

HOUSE No. 1036

By Mr. McCarthy of East Bridgewater, petition of the Massachusetts Selectmen's Association for providing adequate compensation for call firemen and policemen injured in line of duty or for their dependents in the event of their death. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Two.

AN ACT PROVIDING FOR ADEQUATE COMPENSATION FOR CALL FIREMEN AND POLICEMEN IN A SIMILAR STATUS INJURED IN LINE OF DUTY AND MAKING PROVISION FOR THEIR DEPENDENTS IN THE EVENT OF THEIR DEATH FROM A LIKE CAUSE.

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 85F of chapter 32 of the Gen-
2 eral Laws, inserted by section 6 of chapter 576 of the
3 acts of 1946, is hereby amended by striking out the
4 first sentence and inserting in place thereof the fol-
5 lowing: — No police officer shall be retired for either
6 accidental or ordinary disability under section sixty-
7 nine, and no police officer or fireman shall be retired
8 therefor under sections eighty to eighty-five F, in-
9 clusive, or section eighty-five H, or any of them, unless
10 he has first been examined by a medical panel consist-
11 ing of three physicians, and unless a majority of the
12 physicians on such medical panel shall, after such ex-

13 amination and after a review of all the pertinent facts
14 in the case, certify in writing that such police officer
15 or fireman is mentally or physically incapacitated for
16 further duty, and that such incapacity is likely to be
17 permanent, and, in any case involving a retirement
18 for accidental disability, that the disability is such as
19 might be the natural and proximate result of the acci-
20 dent or hazard undergone on account of which such
21 retirement is so claimed.

1 SECTION 2. Chapter 32 is hereby amended by in-
2 serting after section 85G inserted by chapter 483 of the
3 acts of 1948 the following section: —

4 *Section 85H.* The selectmen of every town shall re-
5 tire from active service any call fireman or reserve,
6 special or intermittent police officer who becomes
7 permanently disabled mentally or physically by in-
8 juries sustained through no fault of his own in the
9 actual performance of duty, from further performance
10 of duty as such fireman or policeman.

11 A person so retired shall receive an annual pension
12 equal to two thirds of the annual rate of compensation
13 payable to a regular or permanent member of the
14 police or fire force, as the case may be, thereof for the
15 first year of service therein, and if there are no per-
16 manent members of such force an annual pension in
17 the sum of fifteen hundred dollars.

18 Any person referred to in this section who is dis-
19 abled in line of duty and thereby unable to perform
20 the usual duties of his occupation at the time that such
21 disability was incurred shall receive from the town,
22 pending recovery or retirement under this section,
23 compensation at the rate of the annual compensation
24 payable to a regular or permanent member of the

25 police or fire force thereof, as the case may be, for the
26 first year of service therein, or if there are no regular
27 or permanent members of the police or fire force
28 thereof, at the rate of fifteen hundred dollars per
29 annum.

1 SECTION 3. Section 89 of said chapter 32, as most
2 recently amended by chapter 303 of the acts of 1949,
3 is hereby further amended by striking out the first
4 paragraph and inserting in place thereof the follow-
5 ing:—

6 If a member of the police or fire force, or a forest
7 warden, of a city or town, or a member of the depart-
8 ment of public safety doing police duty, or an inves-
9 tigator or examiner of the registry of motor vehicles
10 in the department of public works doing police duty,
11 or an inspector, investigator or industrial relations
12 adjuster in the department of labor and industries, or
13 a prison officer or any technical employee of the de-
14 partment of public works or public health, of the
15 metropolitan district commission, or of the division of
16 metropolitan planning, included in class twenty-seven
17 of rule four of the civil service rules, is killed, or dies
18 from injuries received, or dies as a natural and prox-
19 imate result of undergoing a hazard peculiar to his
20 employment, while in the performance of his duty, and
21 it shall be proved to the satisfaction of the appro-
22 priate public authority as hereinafter defined that
23 such death was the natural and proximate result of an
24 accident occurring, or of undergoing a hazard peculiar
25 to his employment, while he was acting in the per-
26 formance and within the scope of his duty, and a ma-
27 jority of the members of a board consisting of two
28 physicians designated by the public authority herein-

29 after defined, and one physician to be designated by
30 the commissioner of public health, shall certify to the
31 treasurer of the body politic and corporate by which
32 the compensation of such deceased person was payable,
33 that the death was the natural and proximate result
34 of the said injury or hazard, there shall, except as
35 hereinafter provided, be paid out of the treasury of
36 such body politic and corporate, to the following de-
37 pendants of such deceased person the following an-
38 nuities: To the widow, so long as she remains un-
39 married, an annuity not exceeding fifteen hundred
40 dollars a year, increased by not exceeding three hun-
41 dred and twelve dollars for each child of such deceased
42 person during such time as such child is under the age
43 of eighteen or over said age and physically or men-
44 tally incapacitated from earning; and, if there is any
45 such child and no widow or the widow later dies, such
46 an annuity as would have been payable to the widow
47 had there been one or had she lived, to or for the bene-
48 fit of such child, or of such children in equal shares,
49 during the time aforesaid; and, if there is any such
50 child and the widow remarries, in lieu of the aforesaid
51 annuity to her, an annuity not exceeding five hundred
52 and twenty dollars to or for the benefit of each such
53 child during the time aforesaid; and, if there is no
54 widow and no such child, an annuity not exceeding
55 one thousand dollars to or for the benefit of the father
56 or mother of the deceased, or to or for the benefit of
57 an unmarried or widowed sister of the deceased with
58 whom he was living at the time of his death, if such
59 father, mother or sister was dependent upon him for
60 support at the time of his death, during such time as
61 such beneficiary is unable to support himself or her-
62 self and does not marry. The members of said board

63 to be designated by the public authority, and the com-
64 missioner of public health, as aforesaid, shall be so
65 designated within thirty days after the filing of an
66 application for an annuity hereunder, and said mem-
67 bers shall make their report within sixty days after
68 their appointment. The total amount of all such an-
69 nunities shall not, except as hereinafter provided, ex-
70 ceed the annual rate of compensatoin received by such
71 deceased person at the date of his death, if such an-
72 nual rate was more than fifteen hundred dollars. If
73 such deceased person was a reserve, intermittent or
74 special policeman, or a reserve or call fireman of a
75 city or town, and, at the time he was killed or at the
76 time he received the injuries or underwent the hazard
77 resulting in his death, was performing duty to which
78 he was assigned or called as such policeman or fireman,
79 the total amount of all such annuities shall not exceed
80 the annual rate of compensation payable to a regular
81 or permanent member of the police or fire force thereof,
82 as the case may be, for the first year of service therein,
83 if such annual rate was more than fifteen hundred dol-
84 lars, and if there are no regular or permanent members
85 of the police or fire force thereof, as the case may be,
86 said total amount shall not exceed the sum of twelve
87 hundred dollars. The amount of any such annuity
88 shall from time to time be determined within the
89 limits aforesaid by the appropriate public authority
90 as hereinafter defined.

1 SECTION 4. Section 89A of chapter 32 of the Gen-
2 eral Laws, as most recently amended by section 1 of
3 chapter 147 of the acts of 1951, is hereby further
4 amended by striking out the fourth sentence of the
5 first paragraph and inserting in place thereof the fol-

6 lowing: — If such deceased person was a reserve, in-
7 termittent or special policeman, or a reserve or call
8 fireman of a city or town, and, at the time he was
9 killed or at the time he received the injuries or under-
10 went the hazard resulting in his death, was perform-
11 ing duty to which he was assigned or called as such
12 policeman or fireman, the total amount of all such
13 annuities shall not exceed the annual rate of compensa-
14 tion payable to a regular or permanent member of the
15 police or fire force thereof, as the case may be, for the
16 first year of service therein, and if there are no regu-
17 lar or permanent members of the police or fire force
18 thereof, as the case may be, said total amount shall
19 not exceed the sum of twelve hundred dollars.



