

SENATE No. 644

The Commonwealth of Massachusetts

SENATE, April 8, 1953.

The committee on Counties on the part of the Senate, to whom was committed the Senate Bill relative to the payment of salary or wages and other sums owing by political subdivisions of the Commonwealth upon the deaths of their officers and employees (Senate, No. 403), report recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 644).

For the committee,

CHARLES J. INNES.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE PAYMENT OF SALARY OR WAGES
AND OTHER SUMS OWING BY POLITICAL SUBDIVISIONS
OF THE COMMONWEALTH UPON THE DEATHS OF THEIR
OFFICERS AND EMPLOYEES.

*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 35 of the General Laws, as
2 amended, is hereby further amended by inserting
3 after section 19A, inserted by section 2 of chapter 635
4 of the acts of 1945, the following section: —

5 *Section 19B.* Whenever a person who at any time
6 during his life has, or shall have, been an officer or
7 employee of a county shall die, and such county shall
8 owe his estate any sum or sums by reason of the terms
9 of his employment, and the aggregate amount of such
10 sum or sums shall not exceed five hundred dollars,
11 and a duly appointed administrator or executor shall
12 not have made written demand for payment upon the
13 treasurer of such county and such treasurer shall not
14 otherwise have actual notice that probate proceed-
15 ings relative to such estate have been commenced,
16 such sum or sums may, in the discretion of such
17 treasurer, be paid after the expiration of one month
18 from the death of such officer or employee to the hus-
19 band, widow or next of kin of such officer or employee.

20 Payments made as provided in this section shall dis-
21 charge all liability of the county to all persons with
22 respect to such sum or sums.

1 SECTION 2. Section 111E of chapter 41 of the
2 General Laws, as inserted by section 2 of chapter 475
3 of the acts of 1949, is hereby amended by striking out
4 the first two sentences and inserting in place thereof
5 the following sentence: — Whenever the employment
6 of any person subject to section one hundred and
7 eleven or section one hundred and eleven A is termi-
8 nated during a year by dismissal through no fault or
9 delinquency on his part or by resignation, retirement
10 or death, without his having been granted the vaca-
11 tion to which he is entitled under such section, he, or
12 in case of his death, his estate, shall be paid, at the
13 regular rate of compensation payable to him at the
14 termination of his employment, an amount in lieu of
15 such vacation; provided, that no monetary or other
16 allowance has already been made therefor.

1 SECTION 3. Said chapter 41, as amended, is hereby
2 further amended by inserting after section 111G, in-
3 serted by chapter 488 of the acts of 1952, the follow-
4 ing section: —

5 *Section 111H.* Whenever a person who at any
6 time during his life has, or shall have, been an officer
7 or employee of a city or town shall die, and such city
8 or town shall owe his estate any sum or sums by
9 reason of services rendered by him or by reason of
10 section one hundred and eleven E or section one hun-
11 dred and eleven F or other similar general or special
12 law or by reason of other terms of his employment,
13 and the aggregate amount of such sum or sums shall

14 not exceed five hundred dollars, and a duly appointed
15 administrator or executor shall not have made writ-
16 ten demand for payment upon the treasurer of such
17 city or town and such treasurer shall not otherwise
18 have actual notice that probate proceedings relative
19 to such estate have been commenced, such sum or
20 sums may, in the discretion of such treasurer, be paid
21 after the expiration of one month from the death of
22 such officer or employee to the husband, widow or
23 next of kin of such officer or employee. Payments
24 made as provided in this section shall discharge all
25 liability of the city or town to all persons with respect
26 to such sum or sums.

1 SECTION 4. Section 178A of chapter 149 of the
2 General Laws, as inserted by chapter 175 of the acts
3 of 1932, is hereby amended by adding at the end the
4 following:— The term “employee”, as used in this
5 section, shall not be construed to include an officer or
6 employee of the commonwealth or of any political
7 subdivision thereof.

1 SECTION 5. Said chapter 149, as amended, is
2 hereby further amended by inserting after section
3 178B, inserted by section 1 of chapter 189 of the acts
4 of 1947, the following section:—

5 *Section 178C.* Whenever a person who at any
6 time during his life has, or shall have, been an officer
7 or employee of a political subdivision of the common-
8 wealth other than a county, city or town, shall die,
9 and such subdivision shall owe his estate any sum or
10 sums by reason of the terms of his employment, and
11 the aggregate amount of such sum or sums shall not
12 exceed five hundred dollars, and a duly appointed

13 administrator or executor shall not have made written
14 demand for payment upon the treasurer of such sub-
15 division, and such treasurer shall not otherwise have
16 actual notice that probate proceedings relative to
17 such estate have been commenced, such sum or sums
18 may, in the discretion of such treasurer, be paid after
19 the expiration of one month from the death of such
20 officer or employee to the husband, widow or next of
21 kin of such officer or employee. Payments made as
22 provided in this section shall discharge all liability of
23 the subdivision to all persons with respect to such
24 sum or sums.

1 SECTION 6. Section 3 of chapter 146 of the acts of
2 1947, as amended by section 1 of chapter 243 of the
3 acts of 1950, is hereby further amended by striking
4 out the first two sentences and inserting in place
5 thereof the following:— Whenever the employment
6 of a member of said department is terminated during
7 a year by dismissal through no fault or delinquency
8 on his part or by retirement or death, without his
9 having been granted the vacation to which he is
10 entitled under section one, he, or in case of his death,
11 his estate, shall be paid, at the regular rate of com-
12 pensation payable to him at the termination of his
13 employment, an amount in lieu of such vacation;
14 provided, that no monetary or other allowance has
15 already been made therefor.

1 SECTION 7. Section nineteen B of chapter thirty-
2 five, section one hundred and eleven H of chapter
3 forty-one, and section one hundred and seventy-
4 eight C of chapter one hundred and forty-nine, of the
5 General Laws, as inserted by sections one, three and

6 five, respectively, of this act shall be construed to
7 apply to cases coming within their terms, and also
8 to cases where a person who at some time during his
9 life was an officer or employee of a county, city, town,
10 or other political subdivision of the commonwealth,
11 as the case may be, has died, and such county, city,
12 town, or subdivision, as the case may be, owes his
13 estate a sum or sums by reason of the terms of his
14 employment, and the aggregate amount of such sum
15 or sums does not exceed five hundred dollars, and a
16 duly appointed administrator or executor neither has
17 nor shall have made written demand for payment
18 upon the treasurer of such county, city, town, or
19 subdivision, as the case may be, and such treasurer
20 shall not otherwise have actual notice that probate
21 proceedings relative to such estate have been com-
22 menced.

