

SENATE No. 752

The Commonwealth of Massachusetts

SENATE, June 16, 1953.

The committee on Municipal Finance, on the part of the Senate, to whom was committed the Senate Bill providing for the indemnification by cities and towns of certain retired police officers and fire fighters for certain hospital, medical and surgical expenses (Senate, No. 658, amended), — report recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 752).

For the committee,

JOHN F. PARKER.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE INDEMNIFICATION BY CITIES AND TOWNS OF CERTAIN RETIRED POLICE OFFICERS AND FIRE FIGHTERS FOR CERTAIN HOSPITAL, MEDICAL AND SURGICAL EXPENSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 41 of the General Laws, as amended, is
2 hereby further amended by inserting after section
3 100A the following section: —

4 *Section 100B.* Any city operating under a Plan D
5 or Plan E charter which accepts this section by the
6 affirmative vote of two thirds of all the members of
7 its city council, and any other city which accepts
8 this section by a majority vote of its city council
9 with the approval of its mayor, and any town which
10 accepts this section by a majority vote of its in-
11 habitants at an annual town meeting, may, upon
12 written application by any of its police officers or
13 fire fighters retired either before or after the ac-
14 ceptance of this section under a general or special
15 law specifically relating to retirement for accidental
16 disability, except a special law applicable to one
17 person, or in the event of the death of any such
18 police officer or fire fighter, upon written application
19 by his widow or, if he leaves no widow, by his next

20 of kin, indemnify, out of any funds appropriated for
21 the purposes of this section, such police officer or
22 fire fighter or, in the event of his death, his widow,
23 or if he leaves no widow, his next of kin, for all reason-
24 able hospital, medical and surgical expenses incurred
25 within the commonwealth by such police officer or
26 fire fighter after his retirement; provided, however,
27 that no person shall be indemnified under this section
28 unless a panel consisting of (a) the chairman of the
29 retirement board of the city or town, (b) the city
30 solicitor, town counsel or other officer having similar
31 duties or a person designated in writing by such
32 solicitor, counsel or officer to act for him, and (c) such
33 physician as the city or town manager or, if there is
34 none, the mayor or selectmen in writing appoint
35 shall, upon receipt from the applicant of due proof,
36 by majority vote certify: — (1) that in the retirement
37 of the police officer or fire fighter no weight was
38 given to the presumption provided by section ninety-
39 four of chapter thirty-two; (2) that the expenses
40 for which indemnification is sought were the natural
41 and proximate result of the disability for which the
42 police officer or fire fighter was retired; (3) that
43 such expenses were incurred after the acceptance of
44 this section; (4) that the hospital, medical and
45 surgical services to which such expenses relate were
46 rendered within three months before the filing of the
47 application; (5) that such expenses were in no way
48 attributable to the use by the police officer or fire
49 fighter of any intoxicating licquor or drug or to his
50 being gainfully employed after retirement or to any
51 other willful act or conduct on his part; and (6) that
52 such expenses are reasonable under all the circum-
53 stances.

