

By Mr. Kelly of Boston, petition of James H. Kelly relative to increasing weekly dependency benefits in fatal injury cases under the workmen's compensation law. Labor and Industries.

**The Commonwealth of Massachusetts**

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

AN ACT INCREASING WEEKLY DEPENDENCY BENEFITS IN FATAL INJURY CASES 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 31 of chapter 152 of the General Laws, as  
2 most recently amended by chapter 98 of the acts of 1951,  
3 is hereby further amended by striking out in the second  
4 paragraph the words "twenty dollars a week" and in-  
5 serting in place thereof the words: — twenty-five dollars a  
6 week, — and is further amended by striking out the  
7 words "twenty-five dollars a week" and inserting in  
8 place thereof the words: — thirty dollars a week, — so  
9 as to read as follows: — To the widow or widower, so  
10 long as she or he remains unmarried, twenty-five dollars  
11 a week if and so long as there is no child of the employee,  
12 who is under the age of eighteen, or over said age and  
13 physically or mentally incapacitated from earning; to  
14 or for the use of the widow or widower and for the benefit  
15 of all children of the employee, thirty dollars a week if  
16 and so long as there is one such child, and five dollars  
17 more a week for each such additional child; provided,  
18 that in case any such child is a child by a former wife or  
19 husband, the death benefit shall be divided between the  
20 surviving wife or husband and all living children of the

21 deceased employee in equal shares, the surviving wife or  
22 husband taking the same share as a child. If the widow  
23 or widower dies, such amount or amounts as would have  
24 been payable to or for her or his own use and for the  
25 benefit of all children of the employee shall be paid in  
26 equal shares to all the surviving children of the employee.  
27 If the widow or widower remarries, all payments under  
28 the foregoing provisions shall terminate and the insurer  
29 shall pay each week to each of such children of the  
30 employee seven dollars a week. If there is no surviving  
31 wife or husband of the deceased employee, such amount  
32 or amounts as would have been payable under this sec-  
33 tion to or for the use of a widow or widower and for the  
34 benefit of all such children of the employee shall be paid  
35 in equal shares to all such surviving children of the em-  
36 ployee, but no individual shall receive an amount in  
37 excess of thirty dollars a week. The total amount of  
38 payments and the period of payments in all cases under  
39 this section shall not be more than ten thousand dollars  
40 nor continue for more than four hundred weeks, except  
41 that payment to or for the benefit of children of the  
42 deceased employee under the age of eighteen shall not  
43 be discontinued prior to the age of eighteen, and except  
44 that after a dependent unremarried widow or physically  
45 or mentally incapacitated child over the age of eighteen  
46 has received the maximum payments, he or she shall  
47 continue to receive further payments, but only during  
48 such periods as he or she is in fact not fully self-support-  
49 ing. Either party may request hearings at reasonable  
50 intervals before a board member on the question of  
51 granting such payments, or on the question of restora-  
52 tion of such payments, or on the question of the discon-  
53 tinuance of such payments. A member of the board may  
54 set a case for hearing on his own initiative, after due  
55 notice to both parties.