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By Messrs. Lawton of Brockton, Cantwell of Boston and O'Rourke of Northampton, petition of the Massachusetts State Employees Association, James R. Lawton, John J. O'Rourke and Michael Herbert Cantwell relative to survivor benefits to certain eligible widows and children under the contributory retirement law. Pensions and Old Age Assistance.

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## The Commonwealth of Massachusetts

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

AN ACT PROVIDING SURVIVOR BENEFITS TO CERTAIN ELIGIBLE WIDOWS AND CHILDREN UNDER THE CONTRIBUTORY RETIREMENT LAW.

*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 12 of chapter 32 of the General Laws, as most  
2 recently amended by section 1 of chapter 610 of the acts  
3 of 1952, is hereby further amended by adding at the end  
4 of subdivision (2) thereof the following paragraph: —

5 *Survivor Benefits.* — In lieu of accepting the payment  
6 of survivors allowance under the preceding provisions of  
7 this section, the surviving spouse may elect to forfeit  
8 such payment and to substitute therefor certain other  
9 benefits described in paragraph (a) of this section.

10 (i) If the deceased member had at least five years of  
11 creditable service and there is a surviving widow married  
12 to the member at least three years and with whom the  
13 member was living at the time of his death, the widow  
14 shall be paid fifty dollars a month if and so long as there  
15 is no child of the member, who is under the age of eight-  
16 teen, or over said age and physically or mentally in-  
17 capacitated from earning; to and for the use of the  
18 widow and for the benefit of all children of the employee,

19 seventy-five dollars a month if and so long as there is  
20 one such child, and twenty-five dollars more a month for  
21 each such additional child; provided, that in case of  
22 any such child being a child by a former husband, the  
23 benefit shall be divided between the surviving widow and  
24 all living dependent children of the deceased member in  
25 equal shares, the surviving widow taking the same share  
26 as a child.

27 If the widow dies, such amount or amounts as would  
28 be payable to or for her own use and for the benefit of  
29 the children of the employee shall be paid in equal shares  
30 to all the surviving dependent children of the deceased  
31 member.

32 If the widow remarries, all payments under the fore-  
33 going provisions shall terminate, and each dependent  
34 child of the deceased member shall be paid twenty-five  
35 dollars a month.

36 If there is no surviving widow of the deceased member,  
37 such amount or amounts as would have been payable  
38 under this section to or for the use of a widow and for  
39 the benefit of all dependent children of the employee,  
40 shall be paid in equal shares to all such surviving chil-  
41 dren of the deceased member.

42 Benefits under the foregoing provisions shall be termi-  
43 nated at death; at marriage or remarriage; or if payable  
44 to a child, upon his adoption, death, marriage, or upon  
45 his attaining eighteen years of age. The term "child"  
46 shall include a legally adopted child.