

SENATE No. 781

The Commonwealth of Massachusetts

SENATE, August 12, 1957.

The Senate committee on Ways and Means, to whom was referred the petition (accompanied by resolve, Senate, No. 155) of Silvio O. Conte that provisions be made for the payment of a sum of money to the estate of Robert B. DeMarco who was killed while on duty with the National Guard, report the accompanying bill (Senate, No. 781).

For the committee,

CHARLES W. HEDGES.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR COMPENSATION TO DEPENDENTS OF CERTAIN OFFICERS OR ENLISTED PERSONS OF THE ARMED FORCES OF THE COMMONWEALTH WHOSE DEATH RESULTED FROM INJURIES WHILE ON CERTAIN DUTIES AND PROVIDING FOR THE PAYMENT OF A SUM OF MONEY TO JOHN A. AND PAULINE J. DEMARCO OF NORTH ADAMS.

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 88 of chapter 33 of the General Laws,
2 as appearing in section 1 of chapter 590 of the acts of 1954,
3 is hereby amended by inserting after the word "performing",
4 in line 2, the following: — , as a member of the militia of the
5 commonwealth and not in a status entitling him to benefits
6 or compensation from the United States, — and by adding at
7 the end thereof the following: — In case of death, resulting
8 from such injury, sickness or disease, of an officer or enlisted
9 person of the armed forces of the commonwealth while per-
10 forming any military duty for which he or his dependents are
11 entitled to benefits or compensation from the United States,
12 and notwithstanding any rights to or receipt of such benefits
13 or compensation, or both, compensation in the amount of
14 twenty-five dollars weekly for a period of two hundred weeks
15 shall be paid to the decedents' dependents, as determined in
16 accordance with clause (3) of section one and section thirty-
17 two of chapter one hundred and fifty-two; provided, however,
18 that no such compensation shall be so paid unless the board
19 finds that the injury, sickness or disease resulting in such
20 death was without fault or neglect on the part of the decedent.

1 SECTION 2. Section 90 of said chapter 33, as appearing in
2 said section 1, is hereby amended by inserting after the word
3 "shall", in line 6, the following: — , except as otherwise pro-
4 vided in section eighty-eight.

1 SECTION 3. For the purpose of discharging a moral obliga-
2 tion of the commonwealth, and after an appropriation has
3 been made therefor, there shall be allowed and paid out of
4 the state treasury to John A. and Pauline J. DeMarco, jointly,
5 parents of Corporal Robert B. DeMarco, late of North Adams,
6 who, while in the line of duty as a member of the Massachu-
7 setts Army National Guard and while riding in an army ve-
8 hicle, was killed on December seventeenth, nineteen hundred
9 and fifty-four, the sum of twenty-five dollars weekly for a
10 period of two hundred weeks, said period to begin September
11 second, nineteen hundred and fifty-seven. No payment shall
12 be made hereunder until there has been filed with the comp-
13 troller an affidavit signed by the said John A. and Pauline J.
14 DeMarco that no money has been or will be paid to anyone
15 to secure the passage of this act.

