

HOUSE No. 1026

By Mr. O'Loughlin of Boston, petition of Joseph N. O'Loughlin that a physical condition or disease resulting in total or partial disability or death to certain employees of the Department of Public Utilities be presumed to have been suffered in line of duty with reference to the accidental disability retirement law. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT A CERTAIN PHYSICAL CONDITION OR DISEASE RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC UTILITIES SHALL BE PRESUMED TO HAVE BEEN SUFFERED IN LINE OF DUTY, WITH REFERENCE TO THE ACCIDENTAL DISABILITY 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 Chapter 32 of the General Laws is hereby amended by striking
2 out section 94, as most recently amended by chapter 580 of the
3 acts of 1956, and inserting in place thereof the following sec-
4 tion:—

5 *Section 94.* Notwithstanding the provisions of any general
6 or special law to the contrary affecting the non-contributory
7 or contributory system, any condition of impairment of health
8 caused by hypertension or heart disease resulting in total or
9 partial disability or death to a uniformed member of a paid
10 fire department or permanent member of a police department,
11 or of the police force of the metropolitan district commission,
12 or of the state police in the department of public safety, or of
13 the capitol police, or of the public works building police, or to
14 any employee of the railway and bus division of the department
15 of public utilities who entered the service of the department as

16 a railway inspector or railway and bus inspector, or to any
17 employee of the registry of motor vehicles in the department of
18 public works who entered the service of the registry as an inves-
19 tigator or examiner and performed police duty, or to any em-
20 ployee in the department of correction whose regular or inci-
21 dental duties require the care, supervision or custody of prisoners,
22 criminally insane persons or defective delinquents, or to any
23 permanent crash crewman, crash boatman, fire controlman or
24 assistant fire controlman employed at the General Edward
25 Lawrence Logan International Airport, shall, if he successfully
26 passed a physical examination on entry into such service, which
27 examination failed to reveal any evidence of such condition, be
28 presumed to have been suffered in line of duty, unless the
29 contrary be shown by competent evidence.