

HOUSE No. 1700

By Mr. Gay of Taunton, petition of the Massachusetts Association of Contributory Retirement Boards for legislation to establish survivor benefits under the contributory retirement law. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING SURVIVOR BENEFITS 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 Chapter 32 of the General Laws is hereby amended by in-
2 serting after section 12A the following section:—

3 *Section 12B.* Notwithstanding the provisions of any general
4 or special law to the contrary the minimum normal monthly
5 retirement allowance or pension paid in accordance with the
6 terms of option (c) or option (d) of section twelve or under any
7 other provision of sections one to twenty-eight, inclusive, shall
8 be a sum not less than the benefits set forth in paragraph (a) of
9 this section.

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

20 additional child; provided, that in case of any such child being
 21 a child by a former husband, the benefit shall be divided between
 22 the surviving widow and all living dependent children of the
 23 deceased member in equal shares, the surviving widow taking
 24 the same share as a child.

25 If the widow dies, such amount or amounts as would be pay-
 26 able to or for her own use and for the benefit of the children of
 27 the employee shall be paid in equal shares to all the surviving
 28 dependent children of the deceased member.

29 If the widow remarries, all payments under the foregoing pro-
 30 visions shall terminate, and each dependent child of the deceased
 31 member shall be paid forty dollars a month.

32 If there is no surviving widow of the deceased member, such
 33 amount or amounts as would have been payable under this sec-
 34 tion to or for the use of a widow and for the benefit of all de-
 35 pendent children of the employee, shall be paid in equal shares
 36 to all such surviving children of the deceased member.

37 Benefits under the foregoing provisions shall be terminated at
 38 death; at marriage or remarriage; or if payable to a child, upon
 39 his adoption, death, marriage, or upon his attaining eighteen
 40 years of age. The term "child" shall include a legally adopted
 41 child.