

SENATE No. 591

The Commonwealth of Massachusetts

SENATE, February 12, 1958.

The committee on Military Affairs, to whom was referred the petition (accompanied by bill, Senate, No. 39) of the National Guard Association of Massachusetts, by Colonel Michael L. Connors, president, and Charles W. Hedges for legislation to provide that the board of compensation in considering certain claims shall consider only compensation received by the claimant or his dependents from the United States and arising from federal military service, report the accompanying Bill (Senate, No. 591).

For the committee,

CHARLES W. HEDGES.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CERTAIN CLAIMS ARISING FROM OR CONNECTED WITH SERVICE IN THE ARMED FORCES OF THE COMMONWEALTH, AND THE DETERMINATION OF COMPENSATION THEREFOR.

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 33 of the General Laws is hereby amended by striking
2 out section 90, as appearing in section 1 of chapter 590 of the acts
3 of 1954, and inserting in place thereof the following section:—
4 *Section 90.* Claims against the commonwealth for compen-
5 sation under the provisions of section eighty-eight shall be re-
6 ferred to a board of three officers, including the state surgeon
7 and the state judge advocate, appointed by the commander-in-
8 chief. If the claim is for compensation for injury, disability,
9 sickness or disease, the board, in considering such claim, shall
10 take into account any compensation in the form of military
11 benefits which arise solely out of military service received by the
12 claimant from the United States. If the claim is for compen-
13 sation for a death, the board, in considering said claim, shall not
14 take into account any compensation in the form of military
15 benefits which arise out of military service received by the
16 dependent or dependents of the decedent from the United
17 States. The board shall have the same power to take evidence,
18 administer oaths, issue subpoenas and compel witnesses to
19 attend and testify and produce books and papers, and to punish
20 their failure to do so as is possessed by a general court-martial.
21 The findings of the board shall be submitted forthwith in writing
22 by the adjutant general to the commander-in-chief, and shall be
23 subject to his approval. The adjutant-general shall promptly
24 notify the claimant in writing of the action of the board and the
25 commander-in-chief. The amounts so found due and so ap-
26 proved shall be included in the next succeeding budget of the
27 military department, and shall be paid in the same manner as
28 other military accounts.