

HOUSE No. 2960

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 24, 1959.

The committee on Ways and Means, to whom was referred the bill establishing forty-five dollars as maximum weekly benefits under the Workmen's Compensation Act (House, No. 1157), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2960).

For the committee,

JAMES J. CRAVEN, JR.

Representatives JOHNSON of Worcester, CARTWRIGHT of Randolph, WORRALL of Wareham, ALBRO of Harwich and BLY of Saugus dissenting.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING FORTY-FIVE DOLLARS AS MAXIMUM WEEKLY BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT.

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. Chapter 152 of the General Laws is hereby
2 amended by striking out section 34, as most recently amended
3 by section 1 of chapter 665 of the acts of 1958, and inserting in
4 place thereof the following section: —

5 *Section 34.* While the incapacity for work resulting from the
6 injury is total, the insurer shall pay the injured employee a
7 weekly compensation equal to two thirds of his average weekly
8 wages, but not more than forty-five dollars nor less than twenty
9 dollars a week, unless the weekly wages of the injured employees
10 are less than twenty dollars, in which case said weekly compen-
11 sation shall be equal to his average weekly wages, but not less
12 than ten dollars where the number of normal working hours of
13 the injured employee in a week are fifteen or more; provided,
14 that the amount does not exceed fourteen thousand dollars.

1 SECTION 2. Section 34A of said chapter 152, as most recently
2 amended by section 2 of chapter 665 of the acts of 1958, is hereby
3 further amended by striking out the first sentence of section 34A
4 and inserting in place thereof the following: — *Section 34A.*
5 While the incapacity for work resulting from the injury is both
6 permanent and total, the insurer shall pay to the injured em-
7 ployee, following payment of the maximum amount of compen-
8 sation provided in sections thirty-four and thirty-five, or either
9 of them, a weekly compensation equal to two thirds of the
10 average weekly wage but not more than forty-five dollars per
11 week and not less than twenty dollars a week during the con-
12 tinuance of such permanent and total incapacity. Application
13 for payments under this section may be made by an injured
14 employee before he has received the maximum compensation to
15 which he is or may be entitled under the aforesaid sections.

1 SECTION 3. Section 35 of said chapter 152, as most recently
2 amended, by section 3 of chapter 665 of the acts of 1958, is
3 hereby further amended by striking out said section and insert-
4 ing the following section in place thereof: —

5 *Section 35.* While the incapacity for work resulting from the
6 injury is partial, the insurer shall pay the injured employee a
7 weekly compensation equal to the entire difference between his
8 average weekly wage before the injury and the average weekly
9 wage he is able to earn thereafter, but not more than forty-five
10 dollars a week; and the amount of such compensation shall not
11 be more than fifteen thousand dollars.

1 SECTION 4. Section 35A of said chapter 152 of the General
2 Laws, as most recently amended by chapter 641 of the acts of
3 1957, is hereby further amended by striking out in the first and
4 last paragraphs thereof the words "four dollars" and inserting
5 in place thereof the words: — six dollars.

