

# HOUSE . . . . No. 1491

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By Mr. Pothier of Haverhill, petition of the Massachusetts State C. I. O. Industrial Union Council for eliminating arbitrary maximums on benefits under the Workmen's Compensation Act. Labor and Industries.

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## The Commonwealth of Massachusetts

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

### AN ACT ELIMINATING ARBITRARY MAXIMUMS ON 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  
2 hereby amended by striking out section 34, as most  
3 recently amended, and inserting in place thereof the  
4 following section:—

5 *Section 34.* While the incapacity for work resulting  
6 from the injury is total, the insurer shall pay the in-  
7 jured employee a weekly compensation equal to two  
8 thirds of his average weekly wages, but not less than  
9 twenty dollars a week; provided, that the amount  
10 does not exceed ten thousand dollars.

1 SECTION 2. Section 34A of said chapter 152, as  
2 most recently amended, is hereby further amended by  
3 striking out the first paragraph and inserting in place  
4 thereof the following paragraph:—

5 While the incapacity for work resulting from the

6 injury is both permanent and total the insurer shall  
7 pay to the injured employee, following payment of  
8 the maximum amount of compensation provided  
9 in sections thirty-four and thirty-five, or either of  
10 them, a weekly compensation equal to two thirds of  
11 the average weekly wages but not less than twenty-  
12 five dollars a week, during the continuance of such  
13 permanent and total incapacity. Application for pay-  
14 ments under this section may be made by an injured  
15 employee before he has received the maximum com-  
16 pensation to which he is or may be entitled under  
17 the aforesaid sections.

1 SECTION 3. Said chapter 152 is hereby further  
2 amended by striking out section 35, as most recently  
3 amended, and inserting in place thereof the following  
4 section: —

5 *Section 35.* While the incapacity for work result-  
6 ing from the injury is partial, the insurer shall pay  
7 the injured employee a weekly compensation equal  
8 to the entire difference between his average weekly  
9 wage before the injury and the average wage he is  
10 able to earn thereafter.