
[Senate, No. 649.—Moved (Caples) as a substitute for Senate Bill No. 543.]

The Commonwealth of Massachusetts

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

AN ACT TO FACILITATE THE PROMPT DISPOSITION OF WORKMEN'S COMPENSATION HEARINGS BY PROVIDING CERTAIN CHANGES IN THE TERMS AND SALARIES OF THE MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD, AND FURTHER ESTABLISHING THEIR DUTIES.

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 23 of the General Laws, as most re-
2 cently amended by chapter 719 of the acts of 1957 and chap-
3 ter 683 of the acts of 1956, is hereby amended by striking
4 out section 15 of said chapter in its entirety and inserting in
5 place thereof the following section:—

6 *Section 15.* The industrial accident board shall consist of
7 twelve members, at least one of whom shall be a woman, at
8 such salaries not exceeding fourteen thousand dollars as the
9 governor and council determine, except that the chairman,
10 hereinafter provided, shall receive such salary not exceeding
11 fifteen thousand dollars, as the governor and council determine.

12 The governor shall, with the advice and consent of the coun-
13 cil, annually appoint one member for a term of twelve years,
14 except that the members of the board appointed prior to the
15 effective date of this act shall continue in their office until the
16 expiration of their respective terms; upon the expiration of
17 those three terms expiring in 1961, the successors thereto shall
18 be appointed for terms of five, seven and eight years; upon the
19 expiration of those five terms expiring in 1962, the successors
20 thereto shall be appointed for terms of five, eight, nine, ten
21 and twelve years; upon the expiration of that term expiring
22 in 1963, the successor thereto shall be appointed for a term

23 of twelve years; and, upon the expiration of those two terms
24 expiring in 1965, the successors thereto shall be appointed for
25 terms of eleven and twelve years; the additional member herein
26 provided shall be appointed for a term of twelve years from
27 the effective date of this act; thereafter, as hereinbefore pro-
28 vided, the governor shall annually appoint a member of the
29 board for a term of twelve years. When any term is vacated
30 prior to its expiration, the successor thereto shall be ap-
31 pointed only for the unexpired portion thereof.

32 The governor shall designate one of the members as chair-
33 man of the board, who shall, subject to his term as a member
34 of the board, serve as chairman for a term of five years.

35 The members of the board shall devote their whole time
36 to the work of the board and shall not engage in any profes-
37 sion, practice or business. Not more than six members of the
38 board shall be members of the same political party.

1 SECTION 2. Said chapter 23, as amended by chapter 314 of
2 the acts of 1953 and chapter 703 of the acts of 1955, is hereby
3 amended by striking out section 16 in its entirety and insert-
4 ing in place thereof the following section:—

5 *Section 16.* The division shall be under the supervision and
6 control of the chairman of the board, who shall be its execu-
7 tive and administrative head. During the temporary absence
8 or disability of the chairman, he may designate a member of
9 the board as acting chairman. During the temporary absence
10 or disability of the supervisor of workmen's compensation
11 agents, the chairman or acting chairman may designate an
12 official or employee of the division as acting supervisor of
13 workmen's compensation agents.

14 The chairman shall have all the powers of a member of the
15 industrial accident board, but he shall not sit as a single mem-
16 ber at hearings under section eight of chapter one hundred
17 and fifty-two except when he deems it necessary for the effi-
18 cient administration of the board. The chairman as the execu-
19 tive and administrative head of the division, shall, in the name
20 of the division, enforce all the provisions of chapter one hun-
21 dred and fifty-two, and may make administrative regulations
22 and orders providing for the receipt and indexing of all notices,

23 claims and reports, for the giving of notice of hearings and
24 of decisions, for certifying of records, and for the fixing of the
25 times and places for the hearing of claims in accordance with
26 the provisions of said chapter. The chairman, notwithstanding
27 any provisions appearing in chapter one hundred and fifty-
28 two to the contrary, shall direct and supervise the activities
29 of all members of the industrial accident board, and shall
30 establish the necessary hearing and conference calendars and
31 shall assign the members of the board for handling said calen-
32 dars. The chairman shall cause a list to be maintained of all
33 claims heard or conferred upon by each board member and
34 at the end of each month, shall cause said list to be published
35 forthwith and made available for inspection by members of
36 the public. The chairman shall be responsible for the issuance
37 within ninety days after the close of each calendar year of
38 the annual report provided for under section four of chapter
39 one hundred and fifty-two.

1 SECTION 3. Said chapter 23 is hereby further amended
2 by striking out sections 19 and 20 and inserting in place there-
3 of the following two sections:—

4 *Section 19.* There shall be in the division and under its
5 supervision and control an office of self-insurance under a
6 director of self-insurance, who shall have charge of said
7 office. The chairman, with the approval of the governor and
8 council, shall appoint said director of self-insurance and, with
9 like approval may remove him at any time for cause. Said
10 office shall perform such functions of the division in relation
11 to the administration and enforcement of the provisions of
12 chapter one hundred and fifty-two relating to self-insurance
13 as the chairman may from time to time determine. The chair-
14 man may employ such employees to serve in said office as
15 may be necessary.

16 *Section 20.* The salaries and expenses of the division shall
17 be paid by the commonwealth. The chairman may appoint
18 and remove a secretary. The division shall also be allowed
19 such sums as may annually be appropriated by the general
20 court for clerical service and traveling and other necessary
21 expenses. Its records shall be kept in its office.

1 SECTION 4. Sections 21, 22, and 23 of said chapter 23, as
2 appearing in section 1 of chapter 314 of the acts of 1953, are
3 hereby amended by striking out the word "division" wherever
4 it appears in said sections, and inserting in place thereof, in
5 each instance, the word: — chairman.

1 SECTION 5. Chapter 152 of the General Laws is hereby
2 amended by striking out section 8, as amended by section 6
3 of chapter 314 of the acts of 1953, and inserting in place there-
4 of the following section:—

5 *Section 8.* Such member shall make such inquiries and in-
6 vestigations as shall be deemed necessary. The hearing shall
7 be held in the town where the accident occurred or in such
8 other place as the chairman may designate, and the decision
9 of the member, together with a statement of the evidence,
10 his findings of fact, rulings of law, and other matters perti-
11 nent to questions arising before him, shall be filed with the
12 division within forty-five days of the close of the hearing,
13 unless further extension is authorized by the chairman. The
14 evidence at the hearing shall be taken, with or without the
15 aid of electronic recording, and shall be transcribed verbatim
16 but only on the request of the member; however, if a claim
17 of review is filed and a party requests it, a verbatim transcript
18 shall be forwarded to all parties without charge. Unless a
19 claim for review is filed by either party within seven days,
20 the decision shall be enforceable under section eleven.