

# HOUSE . . . . No. 1466

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 30, 1931.

The committee on Bills in the Third Reading, to whom was referred the Bill defining "insurer" under the Workmen's Compensation Act (House, No. 710), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1466), which also includes the provisions of House, No. 711.

For the committee,

A. B. CASSON.

## The Commonwealth of Massachusetts

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

An Act relative to the Payment of Compensation to Injured Laborers, Workmen and Mechanics of Independent Contractors and Sub-Contractors performing Work for the Commonwealth and Certain Counties, Cities, Towns and Districts.

*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 sixty-nine of chapter one hundred and  
2 fifty-two of the General Laws, as most recently  
3 amended by section twelve of chapter three hundred  
4 and nine of the acts of nineteen hundred and twenty-  
5 seven, is hereby further amended by inserting after  
6 the word "chapter" in the ninth line the following  
7 new sentence:— The commonwealth and any such  
8 county, city, town or district shall pay compensation  
9 in the case of laborers, workmen and mechanics em-  
10 ployed by uninsured independent contractors under  
11 contract with it and those employed by uninsured  
12 sub-contractors under contract with such contractors  
13 under like circumstances and to the same extent as  
14 an insurer would be required under section eighteen  
15 to pay compensation in the case of employees of an  
16 uninsured independent contractor under contract with  
17 an insured person and employees of an uninsured sub-  
18 contractor under contract with such a contractor, and

19 the provisions of said section eighteen shall, so far  
20 as apt, be otherwise applicable in all respects in the  
21 case of laborers, workmen and mechanics employed  
22 as aforesaid, — so as to read as follows: — *Section 69.*  
23 The commonwealth and any county, city, town or  
24 district having the power of taxation which has ac-  
25 cepted chapter eight hundred and seven of the acts  
26 of nineteen hundred and thirteen shall pay to laborers,  
27 workmen and mechanics employed by it who receive  
28 injuries arising out of and in the course of their em-  
29 ployment, or, in case of death resulting from such  
30 injury, to the persons entitled thereto, the compensa-  
31 tion required by this chapter. The commonwealth  
32 and any such county, city, town or district shall pay  
33 compensation in the case of laborers, workmen and  
34 mechanics employed by uninsured independent con-  
35 tractors under contract with it and those employed by  
36 uninsured sub-contractors under contract with such  
37 contractors under like circumstances and to the same  
38 extent as an insurer would be required under section  
39 eighteen to pay compensation in the case of employees  
40 of an uninsured independent contractor under con-  
41 tract with an insured person and employees of an  
42 uninsured sub-contractor under contract with such a  
43 contractor, and the provisions of said section eighteen  
44 shall, so far as apt, be otherwise applicable in all  
45 respects in the case of laborers, workmen and me-  
46 chanics employed as aforesaid. Compensation pay-  
47 able under this chapter to an injured employee of the  
48 commonwealth who receives full maintenance in  
49 addition to his cash salary or wage, and compensation  
50 payable thereunder to his dependents in case of his  
51 death, shall be based upon his average weekly wages  
52 plus the sum of seven dollars per week in lieu of the

53 full maintenance received by him. Sections seventy  
54 to seventy-five, inclusive, shall apply to the common-  
55 wealth and to any county, city, town or district  
56 having the power of taxation which has accepted said  
57 chapter eight hundred and seven. The terms laborers,  
58 workmen and mechanics, as used in sections sixty-  
59 eight to seventy-five, inclusive, shall include foremen,  
60 subforemen and inspectors of the commonwealth or  
61 of any such county, city, town or district, to such ex-  
62 tent as the commonwealth or such county, city, town  
63 or district, acting respectively through the governor  
64 and council, county commissioners, city council or  
65 the qualified voters in a town or district meeting, shall  
66 determine, as evidenced by a writing filed with the  
67 department.