

HOUSE No. 583

By Mr. Feeney of Boston, petition of the Massachusetts State Federation of Labor for legislation to increase certain weekly benefits under the workmen's compensation law. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT TO INCREASE CERTAIN WEEKLY BENEFITS UNDER THE WORKMEN'S COMPENSATION LAW.

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 one hundred and fifty-two of the General
2 Laws is hereby amended by striking out sections
3 thirty-four, thirty-four A and thirty-five, as most
4 recently amended by chapter six hundred and twenty-
5 four of the acts of nineteen hundred and forty-one,
6 chapter two hundred and seventy-six of the acts of
7 nineteen hundred and forty-three, and chapter two
8 hundred and ninety-nine of the acts of nineteen hun-
9 dred and forty-three, and inserting in place thereof
10 the following new sections: —

11 *Section 34.* While the incapacity for work result-
12 ing from the injury is total, the insurer shall pay the
13 injured employee a weekly compensation equal to
14 two thirds of his average weekly wages, but not more
15 than twenty-five dollars nor less than fifteen dollars

16 a week; provided, that the amount does not exceed
17 seventy-five hundred dollars.

18 *Section 34A.* At any time before or after an injured
19 employee has received said maximum of seventy-five
20 hundred dollars under section thirty-four he may
21 apply to the single member or board for a reclassifica-
22 tion as for a total and permanent disability or inca-
23 pacity; and during periods of the employee's entire
24 lifetime during which the employee earns no wages
25 and the incapacity or disability is both total and per-
26 manent, he shall continue to obtain two thirds of his
27 wages, not exceeding twenty-five dollars nor less than
28 fifteen dollars. The insurer may apply for temporary
29 cessation of compensation if the employee is in fact
30 earning wages or the incapacity or disability has for
31 any reason become partial or non-existent, or its per-
32 manency no longer exists. The word permanent shall
33 not necessarily mean for life. It shall be enough if it
34 appears to continue indefinitely, without any present
35 evidence of clearing up. In any contested hearing the
36 employee shall be given the benefit of the doubt and
37 the insurer shall be entitled to reasonable periodic
38 hearings, if change in conditions occur. But if the
39 finding is for the employee at such periodic hearings,
40 the insurer shall pay the whole reasonable cost of
41 the employee's hearing expenses, including reasonable
42 legal and medical fees.

43 *Section 35.* While the incapacity for work result-
44 ing from the injury is partial, the insurer shall pay
45 the injured employee a weekly compensation equal
46 to the entire difference between his average weekly
47 wage before the injury and the average weekly wage
48 he is able to earn thereafter, but not more than twenty-
49 five dollars a week; and the amount of such compen-

50 sation shall not be more than seventy-five hundred
51 dollars.

52 *Section 35A.* Where the employee has dependents,
53 the sum of two dollars and fifty cents shall be added
54 to the weekly compensation under sections thirty-
55 four, thirty-four A and thirty-five, for each total
56 dependent, as defined under the dependency-death
57 sections, but in no case exceeding his weekly wage at
58 the time of injury.

The first part of the paper is devoted to a general
 introduction of the subject. It is shown that the
 theory of the present paper is a special case of
 the more general theory of the preceding paper.
 The second part of the paper is devoted to a
 detailed study of the special case. It is shown
 that the theory of the present paper is a special
 case of the more general theory of the preceding
 paper. The third part of the paper is devoted to
 a study of the special case. It is shown that
 the theory of the present paper is a special case
 of the more general theory of the preceding paper.
 The fourth part of the paper is devoted to a
 study of the special case. It is shown that the
 theory of the present paper is a special case of
 the more general theory of the preceding paper.