

HOUSE No. 584

By Mr. Feeney of Boston, petition of the Massachusetts State Federation of Labor for legislation to increase dependency benefits and relative to simplifying dependency provisions of 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 DEPENDENCY BENEFITS AND TO SIMPLIFY THE DEPENDENCY PROVISIONS OF 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-one, thirty-two and thirty-three, as amended
4 by chapter three hundred and sixty-eight of the acts
5 of nineteen hundred and forty-three and chapter
6 four hundred of the acts of nineteen hundred and
7 forty-three; and the following new sections are in-
8 serted in place thereof:—

9 *Section 31.* If death results from the injury, the
10 insurer shall make the following payments:—

11 (1) To a widow, fifteen dollars a week for life, and
12 if she marries, a lump sum payment of two years'
13 compensation. If she dies and there is a dependent
14 child, it shall obtain her share, and if more than one
15 dependent child, the fifteen dollars shall be divided

16 in equal shares; but these additional payments shall
17 cease when the children's payments cease.

18 (2) To children, ten dollars a week for each, in-
19 cluding illegitimate, posthumous, and step-children,
20 until the age of eighteen years, or over said age if
21 physically or mentally incapacitated from earning.

22 (3) To parents, brothers and sisters and others who
23 are dependent in whole on the deceased at the time
24 of injury, ten dollars each, provided there are no
25 dependent spouses or children, otherwise, five dollars
26 a week each for a period not exceeding five hundred
27 weeks. For all partial dependents, five dollars each
28 a week for a period not exceeding five hundred weeks.

29 (4) To a widower, ten dollars a week for a period
30 not exceeding five hundred weeks, unless permanently
31 and totally incapacitated or disabled when payments
32 are to cease, and then so long as incapacitated or
33 disabled.

34 *Section 32.* If the insurer proves that at the time
35 of injury any widow or child was in fact not dependent
36 in part or in whole on the deceased employee's earn-
37 ings or savings, the amounts stated above shall be
38 reduced one third.

39 Each parent shall be conclusively presumed to be
40 wholly dependent on an unmarried child under eighteen
41 years of age.

42 *Section 33.* Fees for burial, for church services,
43 and for burial grounds and tombstones shall be subject
44 to the jurisdiction of the board, where the death
45 results from the injury; and the single member or
46 board on review may allow amounts, not exceeding
47 six hundred dollars in all, to be paid by the insurer
48 for such services and expenses, whether or not there
49 are dependents.