

HOUSE No. 1411

By Mr. Butterworth of Nahant, petition of Edward R. Butterworth relative to compensation under the workmen's compensation law for the widow and certain children of a deceased employee. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW FOR THE WIDOW AND CERTAIN CHILDREN OF A DECEASED EMPLOYEE.

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 thirty-one of chapter one hundred and
2 fifty-two of the General Laws is hereby amended by
3 striking out the first paragraph, as amended by
4 chapter two hundred and fifty of the acts of nineteen
5 hundred and thirty-four, and inserting in place
6 thereof the following:—

7 If death results from occupational injury or disease,
8 the insurer shall pay the following dependents of the
9 employee, including his children by a former wife,
10 wholly dependent upon his earnings for support at
11 the time of his injury, compensation as follows, pay-
12 able, except as hereinafter provided, in the manner
13 set forth in section thirty-two:

14 To the widow, until her death unless she remarries,
15 ten dollars a week if and so long as there is no child
16 of the employee, who is under the age of eighteen, or
17 over said age and physically or mentally incapacitated
18 from earning; to or for the use of the widow
19 and for the benefit of all children of the employee,
20 twelve dollars a week if and so long as there is one
21 such child, and two dollars more a week for each such
22 additional child; provided, that in case any such
23 child is a child by a former wife, the death benefit
24 shall be divided between the surviving wife and all
25 living children of the deceased employee in equal
26 shares, the surviving wife taking the same share as a
27 child. If the widow dies, such amount or amounts
28 as would have been payable to or for her own use
29 and for the benefit of all children of the employee
30 shall be paid in equal shares to all the surviving
31 children of the employee. To the widow if she re-
32 marries, two years compensation in a lump sum pay-
33 ment and the insurer shall pay each week to each of
34 the children of the employee, if and so long as there
35 are more than five, his or her proportionate share of
36 eighteen dollars and shall pay each of such children,
37 if and so long as there are five or less, three dollars
38 a week. If there is no surviving wife or husband of
39 the deceased employee, such amount or amounts as
40 would have been payable under this section to or
41 for the use of a widow and for the benefit of all such
42 children of the employee, shall be paid in equal
43 shares to all such surviving children of the employee.
44 The total amount of payments under this section shall
45 not be more than sixty-four hundred dollars and said
46 payments shall not continue more than four hundred
47 weeks. When weekly payments have been made to

48 an injured employee before his death, compensation
49 under the foregoing provisions of this section shall
50 begin from the date of the death of the employee,
51 but shall not amount to a total of more than sixty-
52 four hundred dollars, including such payments as
53 were made to the injured employee before his death,
54 and shall not continue for more than four hundred
55 weeks, including weeks during which payments were
56 made to the injured employee before his death.

