

HOUSE No. 1242

By Mr. Mullaly of Millville, petition of the Massachusetts State Employees Association and Charles A. Mullaly, Jr., that provision be made for survivors benefits to certain eligible widows and children under the contributory retirement law for public employees. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT PROVIDING SURVIVOR BENEFITS TO CERTAIN ELIGIBLE WIDOWS AND CHILDREN UNDER THE CONTRIBUTORY RETIREMENT 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 Section 12 of chapter 32 of the General Laws, as most re-
2 cently amended by section 1 of chapter 610 of the acts of
3 1952, is hereby further amended by adding at the end of sub-
4 division (2) thereof the following paragraph:—

5 *Survivor Benefits.*—In lieu of accepting the payment of
6 survivors allowance under the preceding provisions of this
7 section, the surviving spouse may elect to forfeit such pay-
8 ment and to substitute therefor certain other benefits de-
9 scribed in paragraph (a) of this section.

10 (i) If the deceased member had at least five years of cred-
11 itable service and there is a surviving widow married to the
12 member at least three years and with whom the member
13 was living at the time of his death, the widow shall be paid
14 seventy-five dollars a month if and so long as there is no child
15 of the member, who is under the age of eighteen, or over said
16 age and physically or mentally incapacitated from earning;
17 to and for the use of the widow and for the benefit of all chil-
18 dren of the employee, one hundred and twenty-five dollars a
19 month if and so long as there is one such child, and thirty-five

20 dollars more a month for each such additional child; provided, that in case of any such child being a child by a former husband, the benefit shall be divided between the surviving widow and all living dependent children of the deceased member in equal shares, the surviving widow taking the same share as a child.

26 If the widow dies, such amount or amounts as would be payable to or for her own use and for the benefit of the children of the employee shall be paid in equal shares to all the surviving dependent children of the deceased member.

30 If the widow remarries, all payments under the foregoing provisions shall terminate, and each dependent child of the deceased member shall be paid thirty-five dollars a month.

33 If there is no surviving widow of the deceased member, such amount or amounts as would have been payable under this section to or for the use of a widow and for the benefit of all dependent children of the employee, shall be paid in equal shares to all such surviving children of the deceased member.

38 Benefits under the foregoing provisions shall be terminated at death; at marriage or remarriage; or if payable to a child, upon his adoption, death, marriage or upon his attaining eighteen years of age. The term "child" shall include a legally adopted child.