

HOUSE No. 1377

By Mr. Kelly of Boston, petition of the Mass. State CIO Industrial Union Council for increasing benefits to widows and children of employees killed in industrial accidents. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT INCREASING BENEFITS TO WIDOWS AND CHILDREN OF EMPLOYEES KILLED IN INDUSTRIAL ACCIDENTS.

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 31 of chapter 152 of the General Laws is hereby
2 amended by striking out the second paragraph, as most
3 recently amended by chapter 588 of the acts of 1956, and
4 inserting in place thereof the following paragraph:—
5 To the widow or widower, so long as she or he remains
6 unmarried, thirty dollars a week if and so long as there is no
7 child of the employee, who is under the age of eighteen, or
8 over said age and physically or mentally incapacitated from
9 earning; to or for the use of the widow or widower and for
10 the benefit of all children of the employee, thirty-five dollars
11 a week if and so long as there is one such child, and five
12 dollars more a week for each such additional child; provided,
13 that in case any such child is a child by a former wife or
14 husband, the death benefit shall be divided between the
15 surviving wife or husband and all living children of the
16 deceased employee in equal shares, the surviving wife or
17 husband taking the same share as a child. If the widow or
18 widower dies, such amount or amounts as would have been
19 payable to or for her or his own use and for the benefit of all
20 children of the employee shall be paid in equal shares to all

21 the surviving children of the employee. If the widow or
22 widower remarries, all payments under the foregoing provi-
23 sions shall terminate and the insurer shall pay each week to
24 each of such children of the employee ten dollars a week. If
25 there is no surviving wife or husband of the deceased em-
26 ployee, such amount or amounts as would have been payable
27 under this section to or for the use of a widow or widower
28 and for the benefit of all such children of the employee, shall
29 be paid in equal shares to all such surviving children of the
30 employee, but no individual shall receive an amount in excess
31 of thirty-five dollars a week. The total amount of payments
32 and the period of payments in all cases under this section
33 shall not be more than fourteen thousand dollars nor con-
34 tinue for more than four hundred weeks, except that payment
35 to or for the benefit of children of the deceased employee
36 under the age of eighteen shall not be discontinued prior to
37 the age of eighteen, and except that after a dependent un-
38 remarried widow or physically or mentally incapacitated
39 child over the age of eighteen has received the maximum
40 payments, he or she shall continue to receive further pay-
41 ments, but only during such periods as he or she is in fact
42 not fully self-supporting. Either party may request hearings
43 at reasonable intervals before a board member on the question
44 of granting such payments, or on the question of restoration
45 of such payments, or on the question of the discontinuance
46 of such payments. A member of the board may set a case
47 for hearing on his own initiative, after due notice to both
48 parties.