

By Mr. Kirby of Whitman, petition of A. Lionel Lawrence for an amendment of the workmen's compensation law in respect to payment for injuries resulting in incapacities. Labor and Industries.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE IMPROVING 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 Section 29 of chapter 152 of the General Laws, as most re-  
2 cently amended by chapter 314 of the acts of 1953, is hereby  
3 further amended by striking out said section and inserting in  
4 place thereof the following new section: —

5 *Section 29.* No compensation shall be paid for any injury  
6 which does not incapacitate the employee from earning full  
7 wages for a period of at least seven days. If the incapacity  
8 extends for a period of eight days or more, compensation shall be  
9 paid from the day of injury; provided that, except under section  
10 thirty-five, no compensation shall be paid for any period for  
11 which any wages were earned. When compensation shall have  
12 begun, it shall not be discontinued except with the written assent  
13 of the employee or except if the insurer voluntarily entered into  
14 an agreement within thirty days after notice of injury and paid  
15 total or partial compensation in accordance with the provision  
16 of chapter one hundred and fifty-two of the General Laws and  
17 amendments thereto, the insurer may discontinue such com-  
18 pensation payments but before discontinuing such payments of  
19 total or partial incapacity under any such agreements, if it is  
20 claimed on behalf of the injured person that his incapacity still  
21 continues, the insurer shall notify the division and the employee

22 of the proposed discontinuance of such payments with the date  
23 of such discontinuance, and the medical evidence in support  
24 thereof. Until such notice is sent to the division and the em-  
25 ployee, the liability for such payments shall continue until  
26 otherwise ordered by the division. Upon receipt of such notice,  
27 the division or an employee thereof, shall cause an impartial  
28 medical examination to be made and a decision issued within  
29 forty-five days, as to the discontinuance or continuance of such  
30 compensation. If the decision decrees that compensation should  
31 not have been discontinued, the insurer shall, in addition to  
32 making the unpaid compensation payments, pay the employee  
33 four per cent of such unpaid compensation payments. Said four  
34 per cent, however, shall not be computed on any compensation  
35 becoming due after said forty-five days. In all other cases the  
36 insurer shall file written application for approval of discontinu-  
37 ance of compensation with a recent medical report in support  
38 thereof or stating such other reason as may justify discon-  
39 tinuance, and such approval shall only be given by the division  
40 or a member thereof after a conference at which the employee  
41 may be present or represented by counsel. Failure of an em-  
42 ployee to appear at such a conference after due notice thereof or  
43 report for an examination by an impartial examiner, if requested  
44 by a member of employee of the division, may be deemed suf-  
45 ficient cause for approval of the discontinuance of compensation;  
46 provided that such compensation shall be paid in accordance  
47 with section thirty-five if the employee in fact earns wages after  
48 the original agreement or decision is filed.