

**HOUSE . . . . . No. 3553**

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, March 23, 1965.

The committee on Public Service, to whom was referred the petition (accompanied by bill, House, No. 1812) of Arthur G. Coffey for reimbursement of cities, towns and fire and water districts for leaves without loss of pay granted to injured police officers and fire fighters in the event that damages have been recovered from persons responsible for the injuries, report the accompanying bill (House, No. 3553).

For the committee,

ALBERT A. GAMMAL, JR.

## The Commonwealth of Massachusetts

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

AN ACT PROVIDING, IN CERTAIN CASES, FOR THE REIMBURSEMENT OF CITIES, TOWNS, AND FIRE AND WATER DISTRICTS FOR CERTAIN PAYMENTS TO OR FOR CERTAIN INCAPACITATED POLICE OFFICERS AND FIRE FIGHTERS.

*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 1. Section 111F of chapter 41 of the General Laws,  
2 as amended by chapter 149 of the acts of 1964, is hereby further  
3 amended by adding at the end the following paragraphs:—

4 Whenever incapacitation for which this section provides leave  
5 without loss of pay is due to an injury sustained under circum-  
6 stances creating a legal liability in another person to pay dam-  
7 ages in respect thereof, the police officer or fire fighter shall, to  
8 the extent of one third of all sums had or collected, or to be  
9 collected, by him or his attorney or legal representatives from  
10 such other person as damages, whether by judgment, settle-  
11 ment or compromise, reimburse the city, town, or fire or water  
12 district for all amounts paid or to be paid by it under this sec-  
13 tion, or under the first paragraph of section one hundred of  
14 chapter forty-one, on account of such injury. To secure such  
15 reimbursement, the city, town, or fire or water district shall  
16 have a lien upon one third of all sums payable as damages.  
17 Such lien shall take effect if, prior to any such judgment, settle-  
18 ment or compromise, a written notice of such lien containing  
19 the name and address of the police officer or fire fighter, the  
20 date he received the injury, and the name of the person alleged  
21 to be liable to the police officer or fire fighter for the injury re-  
22 ceived, shall be mailed on behalf of the city, town, or fire or  
23 water district to the police officer or fire fighter and to the per-  
24 son alleged to be liable to him for the injury sustained. Any  
25 person who pays over to a police officer or fire fighter or his  
26 attorney or legal representatives any money upon which there  
27 is a lien under this section of which he has notice shall be liable  
28 to the city, town, or fire or water district having such lien for

29 the amount thereof. The lien of an attorney shall have prece-  
30 dence over a lien under this section insofar as it is not satisfied  
31 by the two thirds not subject to lien under this section.

32 In any case where the police officer or fire fighter does not  
33 proceed within six months of such an injury to enforce the li-  
34 ability of such other person, the city, town, or fire or water dis-  
35 trict may enforce, in its own name and for its own benefit, such  
36 liability.

1 SECTION 2. The first paragraph of section 100 of chapter 41  
2 of the General Laws, as appearing in section 1 of chapter 580 of  
3 the acts of 1962, is hereby amended by adding at the end the  
4 following sentence:— An application under this paragraph shall  
5 not be denied because the injury is sustained under circum-  
6 stances creating a legal liability in another person to pay dam-  
7 ages therefor.

1 SECTION 3. This act shall apply only to injuries received on  
2 and after its effective date.

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