

By Mr. Harrington of Newton, petition of Peter F. Harrington and others that certain full time employees of incinerators be placed under the provisions of the "heart law", so-called. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROVIDING THAT CERTAIN DISEASES RESULTING IN DISABILITY OR DEATH TO CERTAIN FULL TIME EMPLOYEES OF INCINERATORS SHALL BE PRESUMED TO HAVE BEEN SUFFERED IN THE LINE OF DUTY, WITH REFERENCE TO THE ACCIDENTAL DISABILITY 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 1. Section 94 of chapter 32 of the General Laws
2 is hereby amended by striking out the first paragraph, as most
3 recently amended by section 16 of chapter 1012 of the acts of
4 1971, and inserting in place thereof the following paragraph: —
5 Notwithstanding the provisions of any general or special law
6 to the contrary affecting the non-contributory or contributory
7 system, any condition of impairment of health caused by
8 hypertension or heart disease resulting in total or partial
9 disability or death to a uniformed member of a paid fire
10 department or permanent member of a police department, or
11 of the police force of the metropolitan district commission, or
12 of the police force of the Massachusetts Bay Transportation
13 Authority, or of the state police in the department of public
14 safety, or of the capitol police, or of the public works building
15 police, or to any employee of the registry of motor vehicles in
16 the department of public works who entered the service of the
17 registry as an investigator or examiner and performed police
18 duty, or to any employee in the department of correction
19 whose regular or incidental duties require the care, supervision
20 or custody of prisoners, criminally insane persons or defective

21 delinquents or to any employee of the commonwealth or a city
 22 or town employed full time in an incinerator owned by the
 23 commonwealth or said city or town, or to any permanent crash
 24 crewman, crash boatman, fire controlman or assistant fire
 25 controlman employed at the General Edward Lawrence Logan
 26 International Airport, shall, if he successfully passed a physical
 27 examination on entry into such service, or subsequently suc-
 28 cessfully passed a physical examination, which examination
 29 failed to reveal any evidence of such condition, be presumed to
 30 have been suffered in line of duty, unless the contrary be
 31 shown by competent evidence.

1 SECTION 2. Said chapter 32 is hereby further amended by
 2 striking out section 94A, inserted by chapter 164 of the acts of
 3 1962, and inserting in place thereof the following section: -

4 *Section 94A.* Notwithstanding the provisions of any general
 5 or special law to the contrary affecting the non-contributory or
 6 contributory retirement system, any condition of impairment
 7 of health caused by any disease of the lungs or respiratory
 8 tract, resulting in total disability or death to a uniformed
 9 member of a paid fire department, or to any employee of the
 10 commonwealth or a city or town employed full time in an
 11 incinerator owned by the commonwealth or said city or town,
 12 shall, if he successfully passed a physical examination on entry
 13 into such service or subsequent to such entry, which examina-
 14 tion failed to reveal any evidence of such condition, be
 15 presumed to have been suffered in the line of duty, as a result
 16 of the inhalation of noxious fumes or poisonous gases, unless
 17 the contrary be shown by competent evidence.