

By Mr. Murphy of Brockton, petition of Bernard Cohen and Paul Maurice Murphy that provision be made for compensation for permanent and partial incapacity under the Workmen's Compensation Act. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR PERMANENT AND PARTIAL INCAPACITY UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 152 of the General Laws is hereby amended by insert-
2 ing after section 35B the following section: —

3 *Section 35C.* While the incapacity for working resulted from
4 the injury is both permanent and partial, the insurer, following
5 payment of the maximum amount of compensation under sec-
6 tion thirty-four, thirty-five, or either of them, shall pay to the
7 injured employee a weekly compensation equal to the entire
8 difference between his average weekly wage before the injury and
9 the average weekly wage he is able to earn thereafter, but not
10 more than eighty dollars per week during the continuance of
11 such permanent and partial incapacity. Applications for pay-
12 ments under this section may be made by an injured employee
13 before he has received the maximum compensation to which he
14 is or may be entitled under the aforesaid sections.

15 In any proceeding brought by the insurer to discontinue com-
16 pensation under this section, a member of the reviewing board
17 may after hearing, order the insurer to continue payments to the
18 injured employee hereunder. The reasonable cost of such pro-
19 ceeding, including therein, reasonable counsel fees and witness
20 fees of physicians appearing at such proceedings, shall be deter-
21 mined by the Board and shall be paid by the insurer.

