

By Mr. Olver, a petition (accompanied by bill, Senate, No. 1238) of John W. Olver and Alan D. Sisitsky for legislation to increase the amount of indemnification payable by the Commonwealth for the protection of certain of its officers and employees in actions arising out of the performance of their duties. Public Service.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE AMOUNT OF INDEMNIFICATION PAYABLE BY THE COMMONWEALTH FOR THE PROTECTION OF CERTAIN OF ITS OFFICERS AND EMPLOYEES IN ACTIONS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

*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 3D of chapter 12 of the General Laws, as amended  
 2 by section 2 of chapter 633 of the acts of 1957, is hereby  
 3 further amended by striking out in line 23, the word "ten" and  
 4 inserting in place thereof the word fifty, — so as to read as  
 5 follows:

6 *Section 3D.* Upon the filing with the attorney general of a  
 7 written request by any officer or employee of the department  
 8 of mental health, public health or correction, of the Soldiers'  
 9 Home in Massachusetts or the Soldiers' Home in Holyoke, that  
 10 the attorney general defend him against an action for damages  
 11 for bodily injuries or infections, physical or mental agony or  
 12 pain, death of any person, or any damage to property of  
 13 another on the hospital grounds, arising out of the operation  
 14 of said department of mental health, public health or cor-  
 15 rection, or of the Soldiers' Home in Massachusetts or the  
 16 Soldiers' Home in Holyoke, the attorney general shall, if after  
 17 investigation it appears to him that such officer or employee  
 18 was at the time the cause of action arose acting within the  
 19 scope of his official duties or employment, take over the  
 20 management and defense of such action. The attorney general  
 21 may adjust or settle any such action at any time before,

22 during or after trial, if he finds after investigation that the  
23 plaintiff is entitled to damages from such officer or employee,  
24 and in such case there shall be paid from the state treasury  
25 for settlement in full of such action from such appropriation  
26 as may be made by the general court for the purposes of this  
27 section such sum, not exceeding fifty thousand dollars on  
28 account of injury to or death of one person and not exceeding  
29 five thousand dollars on account of damage to property, as the  
30 attorney general shall determine to be just and reasonable and  
31 as the governor and council shall approve. If an execution  
32 issued on a final judgment in such an action is presented to  
33 the state treasurer by an officer qualified to serve civil process  
34 and if there is also presented to or on file with said state  
35 treasurer a certificate of the attorney general certifying that  
36 said execution was issued on a judgment in an action in which  
37 he appeared for and defended the defendant in accordance  
38 with the provisions of this section, there shall be paid from  
39 the state treasury from the appropriation above referred to the  
40 amount of the execution, including costs and interest, up to  
41 but not in excess of the respective limits hereinabove set forth.