

SENATE No. 1812

The Commonwealth of Massachusetts

SENATE, April 10, 1975.

The committee on Public Service, to whom was referred the petition (accompanied by bill, House, No. 1996) of Nils L. Nordberg that provision be made for death benefits for dependents of deceased members of the National Guard, reports the accompanying bill (Senate, No. 1812).

For the Committee.

CHESTER G. ATKINS

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO DEATH BENEFITS FOR DEPENDENTS OF DECEASED MEMBERS OF THE MASSACHUSETTS NATIONAL GUARD.

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 88 of chapter 33 of the General Laws, as most re-
2 cently amended by chapter 742 of the acts of 1974, is hereby
3 further amended by striking out the second paragraph con-
4 tained therein and inserting in place thereof the following: —
5 In case of death, resulting from injury, sickness and disease,
6 of an officer or enlisted person of the armed forces of the com-
7 monwealth while performing any military duty for which he
8 or his dependents are entitled to benefits or compensation from
9 the United States, and notwithstanding any rights to or receipt
10 of such benefits or compensation, or both, compensation in the
11 amount of five thousand dollars, payable in one lump sum pay-
12 ment or in two hundred equal weekly payments of twenty-five
13 dollars, at the option of the recipient, shall be paid to the
14 decedents dependents, as determined in accordance with clause
15 (3) of section one and section thirty-two of chapter one hun-
16 dred and fifty-two; provided, however, that no compensation
17 shall be so paid unless the board finds that the injury, sick-
18 ness or disease resulting in such death was without fault or
19 neglect on the part of the decedent; and provided, further,
20 that the option of a lump sum payment shall not be available
21 to dependents of the decedent who have attained age six-
22 teen on the date of the decedent's death.