

By Mr. Buglione of Methuen, petition of Nicholas J. Buglione that provision be made for modification in weekly incapacity compensation under the Workmen's Compensation Act where there is a change in the cost of living. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR MODIFICATION IN WEEKLY INCAPACITY COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT WHERE THERE IS A CHANGE IN THE COST OF LIVING.

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. Chapter 152 of the General Laws is hereby
2 amended by inserting after section 35A the following section:—
3 *Section 35B.* Where an injury occurs on or after January first,
4 nineteen hundred and seventy-six, the compensation payable
5 under sections thirty-one, thirty-four, thirty-four A, thirty-five
6 and/or thirty-five A shall be the amount provided in such
7 sections adjusted by the percentage increase or decrease between
8 the Massachusetts average annual wage on the date of injury and
9 the Massachusetts average annual wage on the dates of such
10 payment.

1 SECTION 2. Chapter 152 of the General Laws is hereby
2 amended by inserting after section 35B the following section:—
3 *Section 35C.* (1) The state treasurer shall establish a special
4 fund from the general treasury, to be known as the Adjustment in
5 Compensation Fund and to be used for the purpose as herein set
6 forth.
7 (2) Where an employee is injured on or before October thirty-
8 first, nineteen hundred and seventy-one and any compensation is
9 paid after January first, nineteen hundred and seventy-six under
10 sections thirty-one, thirty-four, thirty-four A, thirty-five and/or
11 thirty-five A, there shall be added to or subtracted from such

12 compensation the percentage increase or decrease between the
13 average annual wage in Massachusetts in covered employment at
14 the date of injury and the Massachusetts average annual wage, at
15 the dates of such payments.

16 (3) Upon due proof of the additional payments prescribed by
17 paragraph 2, the state treasurer shall reimburse the insurer or self-
18 insurer from the Adjustment in Compensation Fund.

1 SECTION 3. Chapter 152 of the General Laws is hereby
2 amended by inserting after section 1 (8) the following
3 paragraph:—

4 Paragraph 1(9). "Massachusetts average annual wage," that
5 amount established by the Division of Industrial Accidents on the
6 basis of a determination of the Division of Employment Security
7 in accordance with section 29(a) of chapter 151A, as amended by
8 Chapter 659 of the acts of 1970, and filed with the Division of
9 Employment Security, on or before October 1 of each year.