

By Mr. Manning of Milton, petition of the Mass. State Firemen's Association and M. Joseph Manning relative to increasing benefits payable to certain injured call firemen and special police officers. Public Service.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING INCREASED BENEFITS TO CERTAIN INJURED CALL FIREMEN AND SPECIAL POLICE OFFICERS.

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 32 of the General Laws is hereby amended by striking
2 out section 85 H, as most recently amended by chapter 382,
3 sections 1-2 of the acts of 1970, and inserting in place thereof the
4 following section: —

5 *Section 85H.* The selectmen of every town may retire from
6 active service any call firefighter or reserve, special or intermittent
7 police officer who becomes permanently disabled mentally or
8 physically by injuries sustained through no fault of his own in the
9 actual performance of duty as such fire fighter or policeman. A
10 person so retired shall receive an annual pension equal to seventy-
11 two percent of the annual rate of compensation payable to a
12 regular or permanent member of the police or fire force, as the
13 case may be, thereof for the first year of service therein, and if
14 there are no permanent members of such force then the annual
15 rate of his compensation shall be considered for such purposes to
16 be six-thousand dollars. Whenever a call fire fighter or any
17 member of a volunteer fire company in a town whose service as
18 such has been approved by the board of selectmen of such town
19 or reserve or special or intermittent police officer of a town, or a
20 reserve police officer or reserve or call fire fighter of a city is
21 disabled because of injury or incapacity sustained in the
22 performance of his duty without fault of his own, and is thereby
23 unable to perform the usual duties of his regular occupation at

24 the time such injury or incapacity was incurred, he shall receive
25 from the city or town for the period of such injury or incapacity
26 the amount of compensation payable to a permanent member of
27 the police or fire force thereof, as the case may be, for the first
28 year of service therein, or if there are no regular or permanent
29 members of the police or fire force thereof, at the rate of six
30 thousand dollars per annum; provided, that no such compensa-
31 tion shall be payable for any period after such police officer or
32 fire fighter has been retired or pensioned in accordance with law
33 or for any period after a physician designated by the board or
34 officer authorized to appoint police officers or fire fighters in such
35 city or town determines that such incapacity no longer exists. All
36 amounts payable under this section shall be paid at the same time
37 and in the same manner as, and for all purposes shall be deemed
38 to be, the regular compensation of such police officer or fire
39 fighter. No town shall pay compensation under this section if
40 insurance providing coverage for such compensation is in effect
41 therefor under clause (1) of section five of chapter forty, unless
42 and until all rights under such insurance in favor of such town
43 shall have been exercised, determined and satisfied.