

By Mr. Piro of Somerville, petition of Vincent J. Piro for legislation to provide annual cost-of-living increases for persons receiving workmen's compensation for total disability or death. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT PROVIDING THAT PERSONS RECEIVING WORKMEN'S COMPENSATION ON ACCOUNT OF TOTAL DISABILITY OR DEATH SHALL RECEIVE ANNUAL COST-OF-LIVING INCREASES.

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 36A the following section: —

3 *Section 36B.* The weekly compensation rate of persons receiv-
4 ing compensation pursuant to section 31, section 34 and section
5 34A shall be adjusted October 1, 1981 and each October 1 thereaf-
6 ter as follows:

7 a. The weekly compensation rate of each employee entitled to
8 receive compensation under section 34 or section 34A as a result of
9 an injury on or after October 1, 1980 which totally disables such
10 employee continuously or intermittently for any period extending
11 to the following October 1 or thereafter shall be adjusted annually
12 as of the following October 1 and each subsequent October 1 to
13 provide such employee with a cost-of-living adjustment deter-
14 mined as follows:

15 On October 1, 1980 and each October 1 thereafter, if the Massa-
16 chusetts average weekly wage determined in accordance with sec-
17 tion 29a of Chapter 151A is greater than the Massachusetts average
18 weekly wage prevailing as of the preceding October 1, the weekly
19 compensation rate shall be increased by the dollar amount of such

20 increase in the Massachusetts average weekly wage. Such adjust-
21 ment shall apply to each payment under section 34 or section 34A
22 made in the next succeeding twelve-months period.

23 No cost-of-living adjustment under this section shall be due on
24 any October 1 to any employee whose date of injury is less than
25 ninety (90) days before such October 1.

26 b. The weekly compensation rate of any person entitled to
27 receive compensation under section 31 as a result of the death of an
28 employee resulting from an injury after October 1, 1980 shall be
29 adjusted annually as of the following October and each October 1
30 thereafter to provide such person with a cost-of-living adjustment
31 determined as follows:

32 On October 1, 1981 and each October 1 thereafter if the Massa-
33 chusetts average weekly wage determined in accordance with sec-
34 tion 29a of Chapter 151A is greater than the Massachusetts average
35 weekly wage prevailing as of the preceding October 1, the weekly
36 compensation rate shall be increased by the dollar amount of such
37 increase in the Massachusetts average weekly wage. Such adjust-
38 ment shall apply to each payment under section 34 or section 34A
39 as a result of an injury sustained prior to October 1, 1980 which
40 totally disables such employee continuously or intermittently for
41 any period extending to October 1, 1981 or thereafter shall be
42 adjusted as of October 1, 1981 and annually thereafter as provided
43 in subsection (a.) of this section. The cost of such adjustment shall
44 be paid by the insurer who shall be reimbursed from the Compensa-
45 tion Assurance Fund as provided in section 64A.

46 d. The weekly compensation rate of each person entitled to
47 receive compensation under section 31 as a result of the death of an
48 employee resulting from an injury sustained prior to October 1,
49 1980 shall be adjusted as of October 1, 1981 and thereafter as
50 provided in subparagraph (b.) of this section. The cost of such adjust-
51 ment shall be paid by the insurer who shall be reimbursed from the
52 Compensation Assurance Fund as provided in section 64A.

1 SECTION 2. Chapter 152 is hereby amended by inserting after
2 section 64 the following section: —

3 *Section 64A.* There shall be a fund known as the Compensation
4 Assurance Fund. The state treasurer shall assess upon and collect

5 from each insurer and each self-insurer a sum which is a percentage
6 of the total amount of money expended by each of them in pay-
7 ment of their liability under this chapter in the preceding calendar
8 year. Such assessment shall be levied by the state treasurer at any
9 time the balance remaining in the fund is so reduced that he deems
10 it necessary to request further assessments to cover expenditures
11 and to maintain a reserve of one million dollars. Insurers shall
12 annually on or before April 1, report to the state treasurer the
13 amount of money expended by each of them in payment of their
14 liability under this chapter in the preceding calendar year.

15 The state treasurer shall be the custodian of said fund. The fund
16 shall be used to provide reimbursement for the benefits set forth in
17 subsections (c.) and (d.) of section 36A providing for annual adjust-
18 ments in the compensation rates of persons receiving compensa-
19 tion as a result of injuries sustained before October 1, 1980.

20 Claims for reimbursement from the fund shall be submitted at
21 the close of each calendar year to the division which shall order the
22 state treasurer to make payments from the fund to such insurer or
23 self-insurer.

24 The assessments required by this section are a condition of doing
25 business in this state and failure to make such payments when due,
26 shall result in the denial of the privilege of doing business in this
27 state or to self-insure under section 25A(2).

The first part of the report deals with the general situation of the country and the progress of the various branches of industry and commerce. It is found that the country is generally prosperous and that the various branches of industry and commerce are all making good progress. The report also mentions that the government is doing its best to improve the country and that the people are all happy and contented.

The second part of the report deals with the financial situation of the country. It is found that the government has a large surplus and that the people are all contributing their share towards the improvement of the country. The report also mentions that the government is doing its best to improve the country and that the people are all happy and contented.

The third part of the report deals with the social situation of the country. It is found that the people are all happy and contented and that the government is doing its best to improve the country. The report also mentions that the government is doing its best to improve the country and that the people are all happy and contented.

The fourth part of the report deals with the military situation of the country. It is found that the army is well equipped and that the government is doing its best to improve the country. The report also mentions that the government is doing its best to improve the country and that the people are all happy and contented.

The fifth part of the report deals with the foreign relations of the country. It is found that the country is well respected and that the government is doing its best to improve the country. The report also mentions that the government is doing its best to improve the country and that the people are all happy and contented.

The report concludes by stating that the country is generally prosperous and that the various branches of industry and commerce are all making good progress. It also mentions that the government is doing its best to improve the country and that the people are all happy and contented.