

SENATE . . . . . No. 153

---

---

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 153) of Robert D. Wetmore for legislation to amend the workmen's compensation act. Commerce and Labor.

---

---

*The Commonwealth of Massachusetts*

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

AN ACT AMENDING THE WORKMEN'S COMPENSATION ACT.

*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. Section 31 of Chapter 152 of the General Laws  
2 as most recently amended by and as appearing in Chapter 461  
3 of the Acts of 1978 is hereby further amended by inserting  
4 after the third paragraph the following paragraphs: —

5 Every widow or widower who is receiving death benefits  
6 pursuant to this section as a result of an injury which oc-  
7 curred prior to November 1, 1978 shall receive supplemental  
8 benefits upon application to the Division or to the insurer.  
9 These supplemental benefits shall be payable in the first in-  
10 stance by the insurer and shall be reimbursed to the insurer  
11 by the special fund created pursuant to Section 65 of Chapter  
12 152. Each insurer shall claim reimbursement for each case in  
13 which supplemental benefits are paid commencing one year  
14 from the date of the first such payment and annually there-  
15 after while such supplemental payments continue.

16 These supplemental benefits shall be an amount which, when  
17 added to the regular benefit established for the case at the  
18 time of the death, shall equal the maximum weekly compensa-  
19 tion in effect for a death which occurred on November 1, 1978.

1 SECTION 2. Section 34A of Chapter 152 of the General Laws  
2 as most recently amended by and as appearing in section 6 of  
3 Chapter 474 of the Acts of 1976 is hereby further amended by  
4 inserting after the second paragraph the following para-  
5 graphs: —

6 Every employee who is receiving weekly compensation pur-  
7 suant to this section for a permanent and total injury which  
8 occurred prior to October 1, 1978 shall receive supplemental  
9 benefits upon application to the Division or to the insurer.  
10 These supplemental benefits shall be payable in the first in-  
11 stance by the insurer and shall be reimbursed to the insurer  
12 by the special fund created pursuant to Section 65 of Chapter  
13 152. Each insurer shall claim reimbursement for each case in  
14 which supplemental benefits are paid commencing one year  
15 from the date of the first such payment and annually there-  
16 after while such supplemental payments continue.

17 If such employee is receiving the statutory maximum bene-  
18 fit in effect at the time of the injury, the supplemental benefit  
19 shall be an amount which, when added to the regular benefit  
20 established for the case, shall equal the maximum weekly  
21 compensation in effect for a permanently and totally disabled  
22 employee whose injury occurred on October 1, 1978.

23 If such employee is receiving a weekly benefit which is less  
24 than the statutory maximum benefit which was in effect on  
25 the date of the injury, the supplemental benefit shall be an  
26 amount equal to the difference between the regular benefit  
27 being received and a percentage of the maximum benefit in  
28 effect on October 1, 1978 for a permanent total injury, deter-  
29 mined by multiplying the latter benefit by a fraction, the  
30 numerator of which is the regular benefit and the denominator  
31 of which is the statutory maximum benefit in effect at the  
32 time of injury.

1 SECTION 3. This act shall apply only to those persons re-  
2 ceiving benefits for permanent and total disability and death  
3 on and after its effective date and shall not be deemed to have  
4 any retroactive effect.