

HOUSE No. 2299

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT, BOSTON, July 22, 1935.

To the Honorable Senate and House of Representatives:

I am returning House Bill No. 2027 entitled "An Act relative to the Payment of Annuities to Dependents of Policemen, Firemen, Investigators or Examiners of the Registry of Motor Vehicles, Inspectors of the Department of Labor and Industries, Local Forest Wardens or Prison Officers killed or dying from Injuries Received or Hazards Undergone in the Performance of Duty."

The proposed bill extends the benefits of certain annuities to the dependents of inspectors of the Department of Labor and Industry and prison officers and also broadens the grounds upon which the payment of annuity has heretofore been based to include an individual who dies as a natural and proximate result of undergoing a hazard peculiar to his employment.

The proposed legislation, however, contains the provision "The provisions of this section shall apply to any such death occurring on or after January first, nineteen hundred and thirty, irrespective of the time of receiving the injuries or undergoing the hazards resulting in said death; provided, that nothing contained in this section shall affect any annuity granted under provisions thereof as in effect from time to time, in the case of any such death occurring prior to said January first." It is clear that the retroactive effect of such a provision could not be considered as any term of employment under which a deceased person entered into the term of service with the Commonwealth. No cause of action can be brought for

the death of a person after two years from the time the cause of action accrues. I am not in favor of making the proposed law retroactive to January 1, 1930, as therein provided.

I consequently recommend that the present bill be amended by striking out the last sentence of the proposed law as set forth above, and the following be substituted therefor to wit: "The provisions of this section shall apply to any such death occurring on or after January first, nineteen hundred and thirty-five, irrespective of the time of receiving the injuries or undergoing the hazards resulting in said death; provided, that nothing contained in this section shall affect any annuity granted under provisions thereof as in effect from time to time, in the case of any such death occurring prior to said January first."

JAMES M. CURLEY.