

## The Commonwealth of Massachusetts

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Executive Department  
State House, Boston 02133, April 10, 1970.

*To the Honorable Senate and House of Representatives:*

In accordance with the provisions of Article LVI of the Amendments of the Constitution, I am returning, herewith, Senate Bill No. 1312 entitled "An Act authorizing the providing of insurance for the purpose of compensating call and volunteer firefighters and reserve, special and intermittent police officers who have been disabled in certain cases and authorizing the indemnity of volunteer firemen for loss of compensation in certain cases."

This bill is intended to permit cities and towns to purchase insurance for the purpose of compensating call firemen or the members of a volunteer fire company who are disabled because of injury or incapacity sustained in the performance of duty.

I am advised that the bill before me is inadequate to achieve its objectives.

The provision of the General Laws which would be amended to permit the purchase of insurance for compensation of these firemen is Clause (1) of section 5 of chapter 40. The proposed amendment, however, relies on the existing language of "expenses and damages" to include compensation for disablement, as referred to in section 85H of chapter 32. I believe "compensation" may be interpreted to be beyond the scope of the words "expenses and damages."

In addition, the bill does not distinguish between the members of a volunteer fire company whose service is approved by the board of selectmen and the casual citizen who 'volunteers' his services, whether requested or not.

Finally, provisions similar to those inserted in the second paragraph of section 100 of chapter 41 should be enacted to prevent a required payment by the municipality itself if insurance to indemnify the disabled party is in effect.

I believe that the amendments I am proposing will accomplish the purposes sought by this legislation.

I therefore recommend the bill be amended as follows: —

“By striking out all after the enacting clause and inserting in place thereof the following: —

SECTION 1. Clause (1) of section 5 of chapter 40 of the General Laws, as appearing in chapter 173 of the acts of 1964, is hereby amended by inserting after the word “section,” the words: — or to pay a proper charge for effecting insurance providing indemnity for the payment of compensation, in accordance with the provisions of section eight-five H of chapter thirty-two, to a call fire fighter or to any member of a volunteer fire company in a town whose service as such is approved by the board of selectmen of such town.

SECTION 2. Section 85H of chapter 32 of the General Laws is hereby amended by inserting after the word “fighter,” in line 13, as appearing in chapter 633 of the acts of 1954, the words: — or any member of a volunteer fire company in a town whose service as such has been approved by the board of selectmen of such town.

SECTION 3. Said section 85H of chapter 32 is hereby further amended by adding at the end thereof the following sentence: — No town shall pay compensation under this section if insurance providing coverage for such compensation is in effect therefor under Clause (1) of section five of chapter forty, unless and until all rights under such insurance in favor of such town shall have exercised, determined, and satisfied.”

Respectfully submitted,

FRANCIS W. SARGENT,  
*Acting Governor of the Commonwealth.*