

HOUSE No. 5460

The Commonwealth of Massachusetts

House of Representatives, May 4, 1970.

The committee on Commerce and Labor, to whom were referred the petition (accompanied by bill, Senate, No. 131) of the Mass. State Labor Council, AFL-CIO, by James A. Broyer, director, for legislation to reduce the waiting period in workmen's compensation; the petition (accompanied by bill, Senate, No. 132) of the Mass. State Labor Council, AFL-CIO, by James A. Broyer, director, for legislation to protect the rights of injured employees under the workmen's compensation law; the petition (accompanied by bill, Senate, No. 133) of the Mass. State Labor Council, AFL-CIO, by James A. Broyer, director, for legislation to establish maximum workmen's compensation benefits at two thirds of wages; the petition (accompanied by bill, Senate, No. 251) of A. Lionel Lawrence for legislation to clarify the law with respect to notice of claim under the workmen's compensation law; the petition (accompanied by bill, Senate, No. 252) of A. Lionel Lawrence for legislation to provide for a lien by group accident and health accident insurers under certain conditions, under the workmen's compensation law; the petition (accompanied by bill, Senate, No. 276) of the Mass. Assoc. Of Paraplegics, Inc., by Robert J. Harris for legislation to give paraplegics and other permanently and totally incapacitated employees the benefits of future increases in weekly compensation; the petition (accompanied by bill, Senate, No. 277) of the Mass. Assoc. of Paraplegics, Inc., by Robert J. Harris for legislation to provide a more equitable method for determining temporary and partial incapacity payments for paraplegics and other partially incapacitated employees; the petition (accompanied by bill, Senate, No. 278) of the Mass. Assoc. of Paraplegics, Inc., by Robert J. Harris for legislation to help paraplegics and other permanently handicapped employees by providing for permanent and partial weekly payments; the petition (accompanied by bill, Senate, No. 285) of John W. Costello and another for legislation relative to claimants' fees with relation to appeals under the Workmen's Compensation Act; the

petition (accompanied by bill, Senate, No. 286) of John W. Costello and another for legislation relative to payments for specific injuries and death benefits under the workmen's compensation laws; the petition (accompanied by bill, Senate, No. 291) of Joseph D. Ward for legislation relative to the definition of "average weekly wages" for workmen's compensation; the petition (accompanied by bill, Senate, No. 296) of the Mass. State Labor Council, AFL-CIO, by James A. Broyer, director, for legislation to reimburse injured employees for lost time due to employees appearance before the Industrial Accident Board; the petition (accompanied by resolve, House, No. 1576) of John J. Navin and another for an investigation by a special commission (including members of the General Court) relative to the adequacy of the laws to protect injured workmen; the petition (accompanied by bill, House, No. 1577) of John J. Navin and another relative to increasing the benefits payable to totally and permanently incapacitated paraplegics and other permanently and totally incapacitated employees; the petition (accompanied by bill, House, No. 1578) of John J. Navin and another that provision be made for elective lifetime weekly payments for paraplegics and other permanently handicapped employees under the workmen's compensation law; the petition (accompanied by bill, House, No. 1579) of John J. Navin and another that permanent and partial weekly payments be provided for paraplegics and other permanently handicapped employees under the workmen's compensation law; the petition (accompanied by bill, House, No. 1580) of John J. Navin and another that paraplegics and other permanently handicapped employees be given the benefits of subsequent increases in weekly payments under the workmen's compensation law; the petition (accompanied by bill, House, No. 1581) of John J. Navin and another for an equitable method of determining temporary and partial incapacity for paraplegics and other partially incapacitated employees under the workmen's compensation law; the petition (accompanied by bill, House, No.,1724) of the Boston District Council # 45, AFSCME, AFL-CIO and Michael J. Daly relative to defining the term "actual work" for purposes of vacation and sick leave under the workmen's compensation law; the petition (accompanied by bill, House, No. 2097) of Lawrence S. Locke and Mary B. Newman for legislation to provide for the encouragement of re-employment of persons injured in industry; the petition (accom-

panied by bill, House, No. 2098) of Alan D. Sisitsky and another for legislation to eliminate the "common employment" or "umbrella" doctrine applicable to third-party suits by employees; the petition (accompanied by bill, House, No. 2099) of Alan D. Sisitsky and another for legislation to provide for payment of workmen's compensation and for suit against a negligent third party without necessity of election; the petition (accompanied by bill, House, No. 2277) of Francis X. Coppinger and another relative to establishing an extended benefits program under the Employment Security Law; the petition (accompanied by bill, House, No. 2278) of Laurence S. Locke, Edward M. Dickson and another that injured employees be provided with reasonable and necessary attendant and custodial services under the workmen's compensation law; the petition (accompanied by bill, House, No. 3229) of William M. Bulger for legislation to provide for the notification of injured employees of their rights under the workmen's compensation law for payments due to disfigurement and loss of function; the petition (accompanied by bill, House, No. 3233) of Paul Maurice Murphy and Bernard Cohen for legislation to extend certain benefits under the workmen's compensation law to dependents of deceased workmen; the petition (accompanied by bill, House, No. 3630) of Paul Maurice Murphy and another for legislation to provide that certain losses of bodily function be covered under the workmen's compensation law; the petition (accompanied by bill, House, No. 3821) of Bernard Cohen and Paul Maurice Murphy for increasing the number of weeks that payments may be made for certain injuries under the workmen's compensation law; the petition (accompanied by bill, House, No. 3830) of Paul Maurice Murphy and another relative to increasing the total amount that an injured employee may receive as weekly compensation under workmen's compensation; the petition (accompanied by bill, House, No. 4005) of Bernard Cohen and Paul Maurice Murphy relative to increasing the benefits to certain dependents of employees killed in industrial accidents; the petition (accompanied by bill, House, No. 4006) of Bernard Cohen and Paul Maurice Murphy relative to providing additional compensation for bodily disfigurement under the workmen's compensation law; the petition (accompanied by bill, House, No. 4007) of Bernard Cohen and Paul Maurice Murphy relative to increasing the number of weeks that payments may be made for certain injuries under the workmen's

compensation law; the petition (accompanied by bill, House, No. 4008) of Paul Maurice Murphy and another for increasing the maximum total weekly benefits for incapacity under the workmen's compensation law; the petition (accompanied by bill, House, No. 4191) of William Q. MacLean, Jr., for legislation to make seamen subject to the workmen's compensation law; and the petition (accompanied by bill, House, No. 4382) of Michael Paul Feeney that provision be made for the notification of injured employees of their rights under the workmen's compensation law for payments due to disfigurement and loss of function; report the accompanying order (House, No. 5460).

For the committee,

ANTHONY J. SCALLI.

The Commonwealth of Massachusetts

1 *Ordered*, That the Committee on Commerce and Labor be
2 authorized to sit during the recess of the general court for the
3 purpose of making an investigation and study of the subject
4 matter of current senate documents numbered 131, reducing the
5 waiting period in workmen's compensation; 132, protecting the
6 rights of injured employees under the workmen's compensation
7 law; 133, establishing maximum workmen's compensation ben-
8 efits at two thirds of wages; 251, clarifying the law with respect
9 to notice of claim under the workmen's compensation law; 252,
10 providing for a lien by group accident and health accident
11 insurers under certain conditions; 276, giving paraplegics and
12 other permanently and totally incapacitated employees the
13 benefits and future increases in weekly compensation; 277, to
14 provide a more equitable method for determining temporary and
15 partial incapacity payments for paraplegics and other partially
16 incapacitated employees; 278, helping paraplegics and other
17 permanently handicapped employees, by providing for permanent
18 and partial weekly payments; 285, providing that a claimant who
19 prevails in the superior court, the municipal court of the city of
20 Boston and/or the supreme judicial court shall be allowed, in
21 addition to the award in the decree, an amount sufficient to
22 relieve the claimant of the reasonable cost of attorney's fees,
23 briefs and other necessary expenses that result from the certifica-
24 tion and appeal under general laws, chapter 152, the workmen's
25 compensation act; 286, relative to benefits payable under the
26 workmen's compensation law relative to specific injury claims;
27 291, relative to the definition of "average weekly wages" for
28 workmen's compensation; 296, to reimburse injured employees
29 for lost time due to employee appearance before the industrial
30 accident board; of the investigation and study proposed by
31 current house document numbered 1576, relative to the ade-
32 quacy of the laws to protect injured workmen; of current house
33 documents numbered 1577 to give to future totally and perma-
34 nently incapacitated paraplegics, and other permanently and
35 totally incapacitated employees, the benefit of later increases in
36 weekly payments; 1578, to help paraplegics and other perma-

37 nently handicapped employees by providing elective lifetime
38 weekly payments; 1579, to help paraplegics and other perma-
39 nently handicapped employees, by providing for permanent and
40 partial weekly payments; 1580, to give paraplegics and other
41 permanently handicapped employees, whether totally or partially
42 incapacitated, the benefits of subsequent increases in weekly
43 payments; 1581, to provide a more equitable method for
44 determining temporary and partial incapacity for paraplegics and
45 other partially incapacitated employees; 1724, further defining
46 chapter forty-one, section three of the general laws; 2097,
47 providing for the encouragement of re-employment of persons
48 injured in industry; 2098, to eliminate the “common employ-
49 ment” or “umbrella” doctrine applicable to third-party suits by
50 employees; 2099, providing for payment of workmen’s compen-
51 sation and for suit against a negligent third party without
52 necessity of election; 2277, to establish an extended benefits
53 program under the employment security law; 2278, providing
54 persons injured in industry with reasonable and necessary
55 attendant and custodial services; 3229, providing for the notifica-
56 tion of injured employees of their rights under the workmen’s
57 compensation law for payments due to disfigurement and loss of
58 function; 3233, extending certain benefits under the workmen’s
59 compensation act to dependents of deceased workmen; 3630,
60 providing that certain losses of bodily function be covered under
61 workmen’s compensation; 3821, increasing the number of weeks
62 that payments may be made for certain injuries under the
63 workmen’s compensation law; 3830, increasing the total amount
64 that an injured employee may receive as weekly compensation
65 under workmen’s compensation; 4005, increasing the benefits to
66 certain dependents of employees killed in industrial accidents;
67 4006, providing additional compensation for bodily disfigure-
68 ment under the workmen’s compensation laws; 4007, increasing
69 the number of weeks that payments may be made for certain
70 injuries under the workmen’s compensation law; 4008, increasing
71 the maximum total weekly benefits for incapacity under the
72 workmen’s compensation act; 4191, making seamen subject to
73 the workmen’s compensation law; and 4382, providing for the
74 notification of injured employees of their rights under the
75 workmen’s compensation law for payments due to disfigurement

76 and loss of function.

77 Said committee shall be provided with quarters in the state
78 house or elsewhere, may hold public hearings, may travel within
79 the commonwealth, and may expend for clerical and other
80 services and expenses such sums as may be appropriated
81 therefor. Said committee shall report to the general court the
82 results of its investigation and study, and its recommendations, if
83 any, together with drafts of legislation necessary to carry such
84 recommendations into effect, by filing the same with the clerk of
85 the house of representatives on or before the last Wednesday of
86 December, nineteen hundred and seventy.

