

By Mr. Towse of Stoneham, petition of Frank J. Valianti, Daniel C. Towse and others that certain public employees of cities and towns be included in the provisions of the "heart law", so-called. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT PROVIDING THAT A CERTAIN PHYSICAL CONDITION OR DISEASE RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO CERTAIN PUBLIC EMPLOYEES OF CITIES AND TOWNS SHALL BE PRESUMED TO HAVE BEEN SUFFERED IN THE LINE OF DUTY WITH REFERENCE TO THE ACCIDENTAL DISABILITY LAW.

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 94 of chapter 32 of the General Laws is hereby
2 amended by striking out lines four through sixteen, and insert-
3 ing in place thereof the following: —

4 . . . disease resulting in total or partial disability or death to
5 any employee shall, if he successfully passed a physical exami-
6 nation on entry into service for any town, city, or county, or
7 state service, or subsequently successfully passed a physical
8 examination, which examination failed to reveal any evidence
9 of such condition, be presumed to have been suffered in line of
10 duty, unless the contrary be shown by competent evidence
11 provided for in subdivision (1) of section sixteen and subject to
12 the conditions set forth in said section and in this section, shall
13 be retired for ordinary disability as of a date which shall be
14 specified in such application and which shall be not less than
15 fifteen days nor more than four months after the filing of such
16 application but in no event later than the maximum age for
17 this group nor earlier than the last day for which he received
18 regular compensation. No such retirement shall be allowed
19 unless the Board, after such proof as it may require, including
20 in any event an examination by the medical panel provided for
21 in subdivision (3) of this section and including a certification

22 of such incapacity by a majority of the physicians on such
 23 medical panel, shall find that such member is mentally or
 24 physically incapacitated for further duty, that such incapacity
 25 is likely to be permanent, and that he should be so retired.

26 (2) *Amount of Allowance.*

27 Section 6 is hereby further amended by striking out para-
 28 graph (b), and all of paragraph (c), and inserting after line 1 of
 29 paragraph (b) the following:

30 shall be equal to the sum of —