

By Mr. Walsh of Boston, petition of Robert H. Quinn (Attorney General) and Joseph B. Walsh that civil defense workers be provided with increased disability benefits. Public Service.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR INCREASED DISABILITY BENEFITS FOR CIVIL DEFENSE WORKERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 639 of the acts of 1950 is hereby amended by
2 striking out the second paragraph of section 11A, as most
3 recently amended by chapter 560 of the acts of 1956, and
4 inserting in place thereof the following: —

5 Every person appointed under paragraph (a) of section
6 eleven of this act and every volunteer unpaid person appointed
7 by the director of civil defense under section two of this act
8 who, while participating in training, or performing duty, in the
9 city or town in which he is appointed or in another city or
10 town in this commonwealth or in another state under or
11 pursuant to any provision of this act or of any mutual aid
12 arrangement or interstate compact made under authority, there-
13 of, shall without fault or neglect on his part sustain loss of or
14 damage to his property by reason of such participation in
15 training or performance of duty, shall be indemnified by the
16 commonwealth for such loss or damage, but said indemnifica-
17 tion shall not exceed fifty dollars for any one accident. Every
18 such person who, while so participating in training or perform-
19 ing duty, shall by reason thereof without fault or neglect on his
20 part sustain personal injury, shall be indemnified by the com-
21 monwealth for the reasonable hospital, medical and surgical
22 expenses incurred by him or in his behalf by reason of such
23 injury, and also for his loss of earning capacity, if any; but

24 such indemnification for loss of earning capacity shall not
25 exceed for any one week the maximum weekly sum specified
26 in section thirty-four of chapter one hundred and fifty-two of
27 the General Laws plus a sum equal to that so specified in
28 section thirty-five A of said chapter for each person wholly
29 dependent on such person within the meaning of section thirty-
30 five A of said chapter of the General Laws. Every such person
31 who, while so participating in training or performing duty, shall
32 by reason thereof without fault or neglect on his part receive
33 any of the injuries specified in section thirty-six of said chapter
34 one hundred and fifty-two shall be indemnified by the com-
35 monwealth at the rate and for the period specified in said
36 section thirty-six except that any determination required by
37 said section to be made by the industrial accident board shall
38 be made by the civil defense claims board. If any such person
39 is killed while, and by reason of, so participating in training or
40 performing duty, or if any such person dies from injuries
41 received, or as natural and proximate result of undergoing a
42 hazard, while, and by reason of, so participating in training or
43 performing duty, the reasonable expense of his burial, not
44 exceeding the amount payable under section thirty-three of
45 chapter one hundred and fifty-two of the General Laws as may
46 be amended, shall be paid by the commonwealth, which shall
47 also pay to his dependents the following annuities: to the
48 widow, so long as she remains unmarried, an annuity not to
49 exceed the per annum weekly amount payable to the surviving
50 widow under section thirty-one of chapter one hundred and
51 fifty-two of the General Laws, as may be amended except that
52 in no event shall said annuity be payable beyond the number
53 of weeks or the total amount payable in accordance with said
54 section of said chapter except that further payments up to the
55 full amount to the annuity may be made if said unremarried
56 widow is not capable of self-support, in whole or in part
57 increased by not more than that specified under said section as
58 may be amended if the widow has one or more children
59 according to the schedule set forth in said section on an annual
60 basis during such time as such child is under the age of
61 eighteen or over the said age and physically or mentally in-
62 capacitated from earnings; and if there is any such child and no

63 widow or the widow later dies, such annuity as would have
64 been payable to the widow had there been one or had she
65 lived, to or for the benefit of such child, or of such children in
66 equal shares, during the time aforesaid; and if there is any such
67 child and the widow remarries, in lieu of the aforesaid annuity
68 to her, an annuity not to exceed the per annum weekly
69 amount payable to the benefit of each such child during the
70 time aforesaid under the provisions of said section of said
71 chapter as may be amended; and, if there is no widow and no
72 such child an annuity not to exceed the per annum weekly
73 amount payable under said section of said chapter as may be
74 amended, in all other cases of dependency to or for the benefit
75 of the father or mother of the deceased, or to or for the
76 benefit of an unmarried or widow sister of the deceased with
77 whom he was living at the time of his death, if said father,
78 mother, sister was dependent upon him for support at the time
79 of his death, during such time as such beneficiary is unable to
80 support himself and does not marry.

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