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By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 171) of the Massachusetts State Labor Council, AFL-CIO, by William A. Cashman, and Robert D. Wetmore for legislation to increase benefits for certain permanent injuries. Commerce and Labor.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

### AN ACT INCREASING BENEFITS FOR SPECIFIC INJURIES.

*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 1. Section 36 of Chapter 152 of the General Laws,  
2 as most recently amended and as appearing in Chapter 741 of  
3 the Acts of 1972, is hereby further amended by striking out  
4 said Section 36 and inserting in place the following section: —

5 *Section 36.* In addition to all other compensation, the em-  
6 ployee shall be paid the sums designated for the following  
7 specific injuries: —

8 (a) For the loss by enucleation or otherwise, or total loss  
9 of use of one eye, or for injury to one eye which produces an  
10 inability which is not correctible to use both eyes together for  
11 binocular vision, or the reduction to twenty-seventieths of  
12 normal vision in one eye, with glasses, the sum of twenty-five  
13 thousand dollars.

14 (b) For the loss by enucleation or otherwise, or the total  
15 loss of use of both eyes, or the reduction to twenty-seventieths  
16 of normal vision in both eyes, with glasses, the sum of seventy-  
17 five thousand dollars.

18 (c) For any correctible permanent but partial reduction in  
19 either the acuity of field of vision of one or both eyes, such  
20 sum in proportion to the amount applicable in the event of  
21 total loss, total loss of use, or the reduction to twenty-seven-  
22 tieths of normal vision of one or both eyes as the correctible  
23 partial reduction bears to such total loss, total loss of use or  
24 reduction to twenty-seventieths of normal vision; provided  
25 that, for any permanent but partial reduction in either acuity

26 or field of vision of either eye which requires the use of a cor-  
27 rective device, such as glasses or contact lens to produce normal  
28 vision, the sum of three thousand dollars shall be awarded.

29 (d) For the loss of hearing of one ear, the sum of fifteen  
30 thousand dollars, for loss of hearing of both ears, the sum of  
31 fifty thousand dollars.

32 (e) For the amputation or permanent loss of use of the  
33 right or major arm, the sum of twenty-five thousand dollars;  
34 for the amputation or permanent total loss of use of the left  
35 or minor arm, the sum of twenty thousand dollars; for the  
36 amputation or permanent total loss of use of both arms, the  
37 sum of sixty thousand dollars.

38 (f) For the amputation or permanent loss of use of the  
39 right major arm at the wrist, the sum of twenty thousand dol-  
40 lars; for the amputation or permanent total loss of use of the  
41 left or minor hand at the wrist, the sum of fifteen thousand  
42 dollars; for the amputation or permanent loss of use of both  
43 hands at the wrist, the sum of fifty thousand dollars.

44 (g) For the amputation or permanent total loss of either  
45 leg, the sum of twenty thousand dollars; for the amputation  
46 or permanent total loss of use of both legs, the sum of fifty  
47 thousand dollars.

48 (h) For the amputation or permanent total loss of use of  
49 either foot at any point above the ankle joint, the sum of fifteen  
50 thousand dollars; for the amputation or permanent total loss  
51 of use of both feet at any point above the ankle joints, the sum  
52 of forty thousand dollars.

53 (i) For any permanent but partial loss of a member, whether  
54 leg, foot, arm or hand, such sum in proportion to the amount  
55 applicable in the event of amputation or permanent total loss  
56 of use of said member as the said partial loss bears to the total  
57 loss of use of said member.

58 (j) For each loss of bodily function or sense, other than  
59 those specified in the preceding paragraphs of this section, the  
60 amount of fifteen thousand dollars, and for any permanent but  
61 partial loss, a sum in proportion to the loss of function.

62 (k) For bodily disfigurement, an amount which, according  
63 to the determination of the said Board, Reviewing Board, or  
64 single member, is a proper and equitable compensation, not to

65 exceed twenty thousand dollars; which sum shall be payable  
66 in addition to all other sums due under this Section.

67 Nothing in this Section shall adversely affect the employ-  
68 ee's right to any compensation which is or may become due un-  
69 der the provisions of this or any other section.

1 SECTION 2. Effective October first of each year, the com-  
2 pensation benefits payable for the specific injuries as set out in  
3 Section 1 of this act, arising out of injuries sustained after the  
4 date of enactment of this act shall be increased by a per-  
5 centage equal to the percentage of the average weekly wage in  
6 the commonwealth, as determined according to the provisions  
7 of subsection (a) of Section twenty-nine of chapter One hun-  
8 dred and fifty-one A, and promulgated by the director of the  
9 division of employment security on or before October first of  
10 each year, exceeds the average weekly wage in the common-  
11 wealth, as above determined, for the period beginning with the  
12 preceding October first.

13 The compensation so determined shall be fixed at the near-  
14 est dollar, but in no event shall such compensation be reduced.

15 The chairman of the industrial accident board shall compute  
16 and promulgate such compensation benefits on each October  
17 first.

