

By Mr. Speliotis of Danvers, petition of Theodore C. Speliotis relative to amending the workmen's compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT AMENDING THE WORKMEN'S COMPENSATION ACT.

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 31 of Chapter 152 of the General Laws, as
2 most recently amended by and as appearing in Chapter 461 of the
3 Acts of 1978 is hereby further amended by inserting after the third
4 paragraph the following paragraphs: —

5 Every widow or widower who is receiving death benefits pursu-
6 ant to this section as a result of an injury which occurred prior to
7 November 1, 1978 shall receive supplemental benefits upon appli-
8 cation to the Division or to the insurer. These supplemental bene-
9 fits shall be payable in the first instance by the insurer and shall be
10 reimbursed to the insurer by the special fund created pursuant to
11 Section 65 of Chapter 152. Each insurer shall claim reimbursement
12 for each case in which supplemental benefits are paid commencing
13 one year from the date of the first such payment and annually
14 thereafter while such supplemental payments continue.

15 These supplemental benefits shall be an amount which, when
16 added to the regular benefit established for the case at the time of
17 the death, shall equal the maximum weekly compensation in effect
18 for a death which occurred on November 1, 1978.

1 SECTION 2. Section 34A of Chapter 152 of the General Laws
2 is hereby amended by and as appearing in section 6 of Chapter 474
3 of the Acts of 1976 is hereby further amended by inserting after the
4 second paragraph the following paragraphs: —

5 Every employee who is receiving weekly compensation pursuant

6 to this section for a permanent and total injury which occurred
7 prior to October 1, 1978 shall receive supplemental benefits upon
8 application to the Division or to the insurer. These supplemental
9 benefits shall be payable in the first instance by the insurer and
10 shall be reimbursed to the insurer by the special fund created
11 pursuant to Section 65 of Chapter 152. Each insurer shall claim
12 reimbursement for each case in which supplemental benefits are
13 paid commencing one year from the date of the first such payment
14 and annually thereafter while such supplemental payments con-
15 tinue.

16 If such employee is receiving the statutory maximum benefits in
17 effect at the time of the injury, the supplemental benefit shall be an
18 amount which, when added to the regular benefit established for
19 the case, shall equal the maximum weekly compensation in effect
20 for a permanently and totally disabled employee whose injury
21 occurred on October 1, 1978.

22 If such employee is receiving a weekly benefit which is less than
23 the statutory maximum benefit which was in effect on the date of
24 the injury, the supplemental benefit shall be an amount equal to the
25 difference between the regular benefit being received and percent-
26 age of the maximum benefit in effect on October 1, 1978 for a
27 permanent total injury, determined by multiplying the latter
28 benefit by a fraction, the numerator of which is the regular benefit
29 and the denominator of which is the statutory maximum benefit in
30 effect at the time of injury.

1 SECTION 3. This act shall apply only to those persons receiv-
2 ing benefits for permanent and total disability and death on and
3 after its effective date and shall not be deemed to have any retroac-
4 tive effect.