

By Mr. Stoddart of Natick, petition of Douglas W. Stoddart for legislation to further regulate certain disability pensions for public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT FURTHER REGULATING CERTAIN DISABILITY PENSIONS.

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 7 of chapter 32 of the General Laws, as appearing in
2 the 1990 Official Edition, is hereby amended by adding after
3 subdivision (6) the following subdivision: —

4 (7) (a) Any member in service classified in Group 1, Group 2,
5 Group 3 or Group 4, who has retired under this section and who
6 petitions the legislature with a request to be retired at a yearly
7 amount of pension greater than seventy-two percent of his regular
8 rate of compensation on the date such injury or hazard was
9 undergone, or a yearly amount of pension greater than seventy-
10 two percent of the average annual rate of his compensation for
11 the twelve-month period for which he last received regular
12 compensation immediately preceding the date his retirement
13 allowance becomes effective, whichever is greater, pursuant to a
14 special act of the legislature, shall be denied such request unless
15 he shall have submitted to the legislature or committee thereof
16 sworn testimony either oral or under oath and seal, by at least
17 one physician, the member and any appropriate persons, that such
18 disability shall be, total and permanent; provided, further, that
19 such physician shall also have submitted sworn testimony, either
20 oral or under oath and seal, stating that said member shall never
21 be gainfully employed.

22 (b) Any member who shall have been granted a benefit pursuant
23 to subdivision (a) by the legislature shall be subject to the re-

24 examination provisions of section 8; provided, however, that in
25 any case where the legislature shall award a disability pension
26 under the provisions of this subdivision, such benefit shall expire
27 every seven years thereafter and such member shall receive the
28 benefit payable to such member had the legislature not granted
29 such benefit, unless the legislature shall reaffirm such increased
30 benefit.