

HOUSE No. 5580

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 30, 1969.

The committee on Ways and Means, to whom was referred the Bill to facilitate the employment or re-employment of disabled workers by expanding the functions of the second injury fund (House, No. 984, changed), report that the same ought to pass, in the form of a new draft herewith submitted (House, No. 5580).

For the committee,

GEORGE L. SACCO, JR.

The Commonwealth of Massachusetts

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

AN ACT TO FACILITATE THE EMPLOYMENT OR RE-EMPLOYMENT OF
DISABLED WORKERS BY EXPANDING THE FUNCTIONS OF THE
SECOND INJURY FUND.

*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. Chapter 152 of the General Laws is hereby
2 amended by striking out section 37, as most recently
3 amended by chapter 287 of the acts of 1957, and inserting in
4 place thereof the following new section:—

5 *Section 37.* Whenever an employee who has a known
6 permanent physical impairment due to any previous accident
7 or disease or any congenital condition, which is, or is likely to
8 be a hindrance or obstacle to his employment, incurs a
9 subsequent disability by reason of a personal injury for which
10 compensation is required by this chapter resulting in perma-
11 nent partial or permanent total disability that is substan-
12 tially greater by reason of the combined effects of the
13 impairment and subsequent injury than that which would
14 have resulted from the subsequent injury alone, the employer
15 or his insurance carrier or reciprocal exchange shall in the
16 first instance pay all awards of compensation provided by this
17 act; provided, however, that such employer, his insurance
18 carrier or reciprocal exchange shall be reimbursed by the state
19 treasurer from the fund created by section sixty-five for all
20 compensation subsequent to that payable for the first fifty-
21 two weeks of disability.

22 If the subsequent injury of such an employee shall result in
23 the death of the employee, and it shall be determined that
24 either the injury or the death would not have occurred except
25 for such pre-existing permanent physical impairment, the
26 employer or his insurance carrier or reciprocal exchange shall
27 in the first instance pay the compensation prescribed by this
28 act, but he or his insurance carrier or reciprocal exchange

29 shall be reimbursed by the state treasurer from the fund
30 created by section sixty-five for all compensation payable in
31 excess of fifty-two weeks.

32 In order to qualify for reimbursement from the fund
33 created by section sixty-five, it must be established by written
34 records that the employer had knowledge of the permanent
35 physical impairment at the time that the employee was hired,
36 or at the time the employee was retained in employment
37 after the employer acquired such knowledge.

38 The word "compensation" as used in this section for the
39 purpose of reimbursement includes all payments to the
40 injured worker or to his dependents in case of death, and
41 payments for medical, hospital, burial and other services,
42 made under the provisions of this chapter.

43 In the event that liability for any case arising under this
44 section is redeemed by a lump sum payment as provided in
45 section forty-eight of this chapter, and when the order of the
46 division refers to the provisions of this section, reimburse-
47 ment shall be made without the necessity of further approval
48 of the lump sum by the state treasurer; but no reimburse-
49 ment shall be made covering the first fifty-two weekly pay-
50 ments, whether paid under an agreement, decision or lump
51 sum settlement.

1 SECTION 2. Section 37A of said chapter 152, inserted by
2 section 2 of chapter 623 of the acts of 1945, is hereby
3 amended by striking out, in lines 12 and 13, the words "from
4 the fund established by section sixty-five N" and inserting in
5 place thereof the words:—for any period up to fifty-two
6 weeks, and thereafter wholly by the state treasurer from the
7 fund created by section sixty-five,—so as to read as follows:
8 —*Section 37A.* Any employee who is a war veteran and
9 disabled as the result of his military or naval service and has
10 been certified as such by the United States Veterans Adminis-
11 tration and who, in the course of and arising out of his
12 employment receives a personal injury which is aggravated or
13 prolonged by such disability for which he is receiving com-
14 pensation from said administration, shall receive the compen-
15 sation provided by this chapter, or said compensation shall be
16 paid to his dependents, if death results from the injury. Such

17 compensation shall be paid by the insurer or self-insurer, who
18 shall be reimbursed for fifty per cent thereof by the state
19 treasurer for any period up to fifty-two weeks, and thereafter
20 wholly by the state treasurer from the fund created by section
21 sixty-five. In the event that said fund becomes exhausted, the
22 state treasurer shall make such payments from the General
23 Fund without appropriation.

1 SECTION 3. Section 46 of said chapter 152, as most recently
2 amended by section 6 of chapter 314 of the acts of 1953, is
3 hereby further amended by striking out all after the word
4 "valid" in line 3 as appearing in section 2A of chapter 623 of
5 the acts of 1945.

1 SECTION 4. Said chapter 152 is hereby further amended by
2 striking out section 65, as most recently amended by section 2
3 of chapter 234 of the acts of 1955, and inserting in place
4 thereof the following section:—

5 *Section 65.* For every case of personal injury resulting in
6 death covered by this chapter, the insurer or self-insurer shall
7 pay into the state treasury five hundred dollars, such pay-
8 ment to be made in all cases regardless of whether the
9 employee's dependents or personal representatives commence
10 action against a third party under section fifteen. For every
11 case of personal injury resulting in death covered by this
12 chapter, when there are no dependents, the insurer or self-
13 insurer shall pay into the state treasury an additional five
14 hundred dollars. Payments under this section shall constitute
15 a special fund in the custody of the state treasurer, who shall
16 make payments therefrom upon the written order of the
17 division for the purposes set forth in section thirty-seven and
18 thirty-seven A and for the purpose of paying the expense of
19 printing the necessary records, papers and briefs in certain
20 appeals to the supreme judicial court as provided in section
21 eleven. Payments made under section thirty-seven A shall
22 have priority over any other payments made under this
23 section.

24 As soon as practicable after June thirtieth of any year in
25 which payments made from the fund established by this
26 section exceed deposits therein, the chairman of the industrial

27 accident board shall assess upon and collect from each
28 insurance carrier and each self-insurer a sum equal to that
29 proportion of the excess of disbursements over receipts during
30 such year which the total compensation payments of such
31 carrier or self-insurer bore to the total compensation pay-
32 ments made by all carriers and self-insurers during such
33 year.

34 The reasonable expense of prosecution, if any, by the
35 attorney general, of claims for deposit under this section
36 shall, subject to the approval of the division, be payable out
37 of the special fund established hereunder.

1 SECTION 5. Section 26 of said chapter 152, as most recently
2 amended by section 5 of chapter 174 of the acts of 1955, is
3 hereby further amended by striking out the word "sixty-five
4 N", as appearing in line 14 of section 1 of chapter 623 of the
5 acts of 1945, and inserting in place thereof the word:—sixty-
6 five.

1 SECTION 6. Section sixty-five N of said chapter one hun-
2 dred and fifty-two, as most recently amended by section five
3 of chapter one hundred and seventy-four of the acts of
4 nineteen hundred and fifty-five, is hereby repealed.

17. The first part of the report is devoted to a general survey of the work done during the year. It is divided into two main parts, the first dealing with the work done in the field and the second with the work done in the laboratory. The first part is divided into three sections, the first dealing with the work done in the field, the second with the work done in the laboratory, and the third with the work done in the office. The second part is divided into two sections, the first dealing with the work done in the laboratory and the second with the work done in the office.

1. Section 1. Section 1 is devoted to a general survey of the work done during the year. It is divided into two main parts, the first dealing with the work done in the field and the second with the work done in the laboratory. The first part is divided into three sections, the first dealing with the work done in the field, the second with the work done in the laboratory, and the third with the work done in the office. The second part is divided into two sections, the first dealing with the work done in the laboratory and the second with the work done in the office.

2. Section 2. Section 2 is devoted to a general survey of the work done during the year. It is divided into two main parts, the first dealing with the work done in the field and the second with the work done in the laboratory. The first part is divided into three sections, the first dealing with the work done in the field, the second with the work done in the laboratory, and the third with the work done in the office. The second part is divided into two sections, the first dealing with the work done in the laboratory and the second with the work done in the office.

3. Section 3. Section 3 is devoted to a general survey of the work done during the year. It is divided into two main parts, the first dealing with the work done in the field and the second with the work done in the laboratory. The first part is divided into three sections, the first dealing with the work done in the field, the second with the work done in the laboratory, and the third with the work done in the office. The second part is divided into two sections, the first dealing with the work done in the laboratory and the second with the work done in the office.

4. Section 4. Section 4 is devoted to a general survey of the work done during the year. It is divided into two main parts, the first dealing with the work done in the field and the second with the work done in the laboratory. The first part is divided into three sections, the first dealing with the work done in the field, the second with the work done in the laboratory, and the third with the work done in the office. The second part is divided into two sections, the first dealing with the work done in the laboratory and the second with the work done in the office.

WALSH

No. 5587

CHANDLER'S HISTORY

The history of the town of Chandler, New York, from its first settlement in 1784 to the present time. It contains a full and complete account of the town's progress, its resources, and its future prospects. It is a valuable work for the people of the town, and for those who are interested in the history of the State.

By J. W. Chandler

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