

By Mr. Ambler of Weymouth, petition of Robert B. Ambler and another that provision be made for modification in weekly incapacity compensation under the Workmen's Compensation Act due to an increase in the cost of living. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR MODIFICATION IN WEEKLY INCAPACITY COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT WHERE THERE IS A CHANGE IN THE COST OF LIVING.

1 *Whereas*, The cost of living has risen steadily over the past
2 years while the rate of compensation is fixed as of the date of
3 injury; and as a result many victims of personal injuries arising
4 out of and in the course of their employment are unable to
5 provide for the necessaries of life out of their compensation
6 payments and are forced to resort to public welfare, therefore it
7 is declared that this situation creates a threat to the health,
8 safety and welfare of the citizens of the commonwealth requiring
9 remedial legislation.

*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 inserting after section 35A the following section:—
3 *Section 35B.* Where any injury occurs on or after January 1,
4 1976, the compensation payable under sections 31, 34, 34A, 35
5 and/or 35A shall be the amount provided in such sections
6 adjusted by the percentage increase or decrease between the
7 Massachusetts average annual wage on the date of injury and
8 the Massachusetts average annual wage on the dates of such
9 payment.

1 SECTION 2. Chapter 152 of the General Laws is hereby
2 amended by inserting after section 35B the following section:—

3 *Section 35C.* (1) The state treasurer shall establish a special
4 fund from the general treasury, to be known as the Adjustment
5 in Compensation Fund and to be used for the purpose as herein
6 set forth.

7 (2) Where an employee is injured on or before December 31,
8 1975, and any compensation is paid after January 1, 1976, under
9 sections 31, 34, 34A, 35 and/or 35A, there shall be added to or
10 subtracted from such compensation the percentage increase or
11 decrease between the Massachusetts average annual wage at the
12 date of injury and the Massachusetts average annual wage at the
13 dates of such payments.

14 (3) Upon due proof of the additional payments prescribed by
15 paragraph 2, the state treasurer shall reimburse the insurer or
16 self-insurer from the Adjustment in Compensation Fund.

1 SECTION 3. Chapter 152 of the General Laws is hereby
2 amended by inserting after section 1(8) the following
3 paragraph:— (9) “Massachusetts average annual wage,” that
4 amount established by the Division of Employment Security in
5 accordance with section 29(a) of chapter 151A, as amended by
6 chapter 659 of the acts of 1970.