

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 11, 1950.

The committee on Pensions and Old Age Assistance, to whom were referred the petition (accompanied by bill, Senate, No. 374) of the Massachusetts State Employees Association, by John E. Coyne, president, for legislation to provide certain survivors' benefits for members of the non-contributory retirement system, the petition (accompanied by bill, House, No. 420) of John Pierce Lynch relative to providing pensions for the widows of certain firemen and police officers, the petition (accompanied by bill, House, No. 909) of Michael Catino relative to providing a pension for widows of deceased police officers and firemen equal to one half the compensation received by the decedent at the time of death, the petition (accompanied by bill, House, No. 1408) of Everett B. Dowe for the payment of pensions to widows of police officers or firemen in certain instances, the petition (accompanied by bill, House, No. 1431) of the Massachusetts Police Association and others that pensions payable to former police officers and firemen shall upon their decease be paid to their widows in certain cases, and the petition (accompanied by bill, House, No. 2023) of the Massachusetts Retired Police & Firemen's Association that pensions payable to former police officers and firemen be paid in reduced amounts to their widows, report the accompanying bill (House, No. 2568).

For the committee,

MAURICE E. FITZGERALD.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT PROVIDING A PENSION FOR THE WIDOWS OF CERTAIN POLICEMEN AND FIREMEN IN CERTAIN CITIES AND TOWNS AND OF CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION.

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 32 of the General Laws is
2 hereby amended by inserting after section 85G the
3 following new section: —

4 *Section 85H.* Except for those retired for dis-
5 ability in line of duty, any policeman or fireman who
6 is eligible for pension under sections eighty to eighty-
7 five E, inclusive, of this chapter in effect in the city
8 or town where he is employed shall have the right to
9 select on his retirement one of the following options
10 for the payment of his pension: —

11 *Option A.* — The maximum amount of the pension
12 payable under the law to such policeman or fireman
13 at the time of his retirement.

14 *Option B.* — A lesser amount of pension equal to
15 seventy per cent of the pension payable under option A
16 of this section which shall be paid to such policeman
17 or fireman during his lifetime, with the provision
18 that two thirds of the yearly amount of such lesser
19 pension shall after his death be paid to his widow so

20 long as she remains unmarried; provided, that they
21 have been married not less than eight years before the
22 date of his retirement.

23 If a policeman or fireman, who has served con-
24 tinuously for not less than twenty years in any city
25 or town where he would be eligible for a pension under
26 said sections eighty to eighty-five E, inclusive, and
27 who has reached age sixty, dies before being retired,
28 his widow shall receive two thirds of the pension pro-
29 vided for under option B of this section so long as
30 she remains unmarried; provided, she had been
31 married to such policeman or fireman not less than
32 eight years before the date of his death. This para-
33 graph shall not apply to death in line of duty.

34 Any former policeman or fireman who has been
35 retired, except for disability in line of duty, under
36 any provisions of said sections eighty to eighty-five E,
37 inclusive, prior to the effective date of this act may,
38 within six months of said effective date, file an appli-
39 cation with the retiring authority of the city or town
40 where he was retired to have his pension reduced to
41 the amount provided by option B of this section.
42 Beginning the first day of the month next following
43 thirty days after the receipt of such application,
44 his pension shall be reduced to such lesser amount
45 for the rest of his lifetime, and upon his death two
46 thirds of such lesser pension shall be paid to his
47 widow so long as she remains unmarried; provided,
48 that they were married not less than eight years
49 prior to the date of his retirement.

50 A widow of a policeman or fireman shall not be
51 eligible as a beneficiary under the provisions of this
52 section unless they are living together at the time of
53 his death or living apart for justifiable cause.

1 SECTION 2. Said chapter 32 is hereby further
2 amended by inserting after section 69 the following
3 new section:—

4 *Section 69A.* Except for those retired for dis-
5 ability in line of duty, any permanent member of the
6 police department of the metropolitan district com-
7 mission, who is eligible for pension under section
8 sixty-nine of this chapter, shall have the right to
9 select on his retirement one of the following options
10 for the payment of his pension:

11 *Option A.*—The maximum amount of the pension
12 payable under the law to such member at the time
13 of his retirement.

14 *Option B.*—A lesser amount of pension equal to
15 seventy per cent of the pension payable under option
16 A of this section which shall be paid to such member
17 during his lifetime, with the provision that two
18 thirds of the yearly amount of such lesser pension
19 shall after his death be paid to his widow so long as
20 she remains unmarried; provided, that they have
21 been married not less than eight years before the date
22 of his retirement.

23 If such member, who has served continuously
24 for not less than twenty years, and who has reached
25 age sixty, dies before being retired, his widow shall
26 receive two thirds of the pension provided for under
27 option B of this section so long as she remains un-
28 married; provided, she had been married to such
29 member not less than eight years before the date of
30 his death. This paragraph shall not apply to death
31 in line of duty.

32 Any former member who has been retired, except
33 for disability in line of duty, under the provisions of
34 said section sixty-nine prior to the effective date of

35 this act may, within six months of said effective date,
36 file an application with said commission to have his
37 pension reduced to the amount provided by option B
38 of this section. Beginning the first day of the month
39 next following thirty days after the receipt of such
40 application, his pension shall be reduced to such lesser
41 amount for the rest of his lifetime, and upon his
42 death two thirds of such lesser pension shall be paid
43 to his widow so long as she remains unmarried;
44 provided, that they were married not less than eight
45 years prior to the date of his retirement.

46 A widow of such member shall not be eligible as a
47 beneficiary under the provisions of this section unless
48 they are living together at the time of his death or
49 living apart for justifiable cause.

1 SECTION 3. This act shall take effect when ac-
2 cepted in a city having a Plan E charter by the
3 affirmative vote of a majority of all the members of
4 the city council, in any other city by a vote of the
5 city council subject to the provisions of its charter,
6 and in a town by a majority vote at a town meeting.

