

By Mr. Cabral of New Bedford, petition of the Massachusetts AFL-CIO and Antonio F. D. Cabral relative to the total incapacity of employees under workers' compensation benefits. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO WORKERS' COMPENSATION BENEFITS.

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, section 1, Subsection (7A) of the
2 General Laws, as appearing in the 1992 Official Edition, is hereby
3 amended by striking out Section 34, as so appearing, and inserting
4 in place thereof, the following section: —

5 Section 34. While the incapacity for work resulting from the
6 injury is total, during each week of incapacity the insurer shall
7 pay the injured employee a weekly compensation equal to two-
8 thirds of his average weekly wage before the injury, but not more
9 than the maximum weekly compensation rate nor less than the
10 minimum weekly compensation rate, unless the average weekly
11 wage of the employee is less than the minimum weekly compen-
12 sation rate, in which case said weekly compensation shall be equal
13 to his average weekly wage.

14 The total number of weeks of compensation due the employee
15 under this section shall not exceed two hundred and sixty.

1 SECTION 2. Said Chapter 152 is hereby amended by striking
2 out Section 35, as so appearing, and inserting in place thereof, the
3 following section: —

4 Section 35. While the incapacity for work resulting from the
5 injury is partial, during each week of incapacity the insurer shall
6 pay the injured employee a weekly compensation equal to two-
7 thirds of the difference between his average weekly wage before

8 the injury and the weekly wage he is capable of earning after the
9 injury, but not more than the statutory maximum weekly compen-
10 sation rate.

11 The total number of weeks of compensation due the employee
12 under this section shall not exceed six hundred.