

SENATE No. 1337

By Mr. Havern, a petition (accompanied by bill, Senate, No. 1337) of the Professional Fire Fighters of Massachusetts, by Robert B. McCarthy, president, and Robert A. Havern for legislation to further regulate retirement laws. Public Service.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING RETIREMENT LAWS.

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 9 of Chapter 32 as appearing in the 1992 Official
2 Edition, is hereby amended by striking out subsection (1) and
3 inserting in place thereof the following subsection.
4 Section 9(1) Conditions for Allowance. If the board, upon
5 receipt of proper proof, finds that any member in service died as
6 the natural and proximate result of a personal injury sustained or a
7 hazard undergone as a result of, and while in the performance of,
8 his duties at some definite place and at some definite time on or
9 after the date of his becoming a member or prior to such date
10 while any provision of this chapter relating to non-contributory
11 pensions was applicable to him, without serious and willful mis-
12 conduct on his part, the payments and allowances hereinafter
13 referred to in this section shall be granted to his beneficiary or
14 beneficiaries, in the sum or sums, and upon the terms and condi-
15 tions, specified in this section. Except as provided for a subdivi-
16 sion (3) of section seven, no payments or allowances shall be
17 granted under this section unless such injury was sustained or
18 such hazard was undergone within two years prior to the death of
19 such member or, if occurring earlier, unless written notice thereof
20 was filed with the board by him or in his behalf within ninety days
21 after its occurrence. The provisions of this section shall apply
22 although such member had previously been retired if the board

23 finds that such death was the natural and proximate result of a
24 personal injury sustained in hazard undergone as a result of, and
25 while in the performance of his duties.