

By Mr. Turkington of Falmouth, petition of Eric Turkington and others relative to accidental death benefits for surviving spouses of volunteer firefighters. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Eric Turkington
Robert A. O’Leary

Shirley Gomes

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ACCIDENTAL DEATH BENEFITS FOR SURVIVING SPOUSES OF VOLUNTEER FIREFIGHTERS.

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. Section 89B of Chapter 32 of the General Laws,
2 as it appears in the 2002 Official Edition, is hereby amended by
3 striking out the second paragraph which starts on line 17 and
4 inserting in place thereof the following:
5 “To the surviving spouse, so long as she/he remains unmarried,
6 an accidental death benefit allowance to consist of a yearly
7 amount of annuity equal to two-thirds of the annual rate of regular
8 compensation of such police officer or firefighter on the date such
9 injury was sustained or such hazard was undergone, or equal to
10 two-thirds of the average annual rate of his/her regular compensa-
11 tion for the twelve-month period for which he/she last received
12 regular compensation immediately preceding the date of his/her
13 death, whichever is greater, or in the case of reserve, call or vol-
14 unteer firefighters and reserve, intermittent or special police offi-
15 cers, an annual accidental death benefit allowance equal to
16 two-thirds of the annual rate of regular compensation payable to a
17 regular or permanent member of the policy or fire force, as the
18 case may be, thereof for the first year of service therein, and if
19 there are no permanent members of such force, and annual acci-

20 dental death benefit allowance equal to two-thirds of the average
21 annual salary of a first-year, regular or permanent firefighter or
22 police officer in the local area; such average to be determined by
23 the public employee retirement administration commission, con-
24 sidering in such calculation regional cost of living indices,
25 increased in any case by twenty-six hundred dollars (\$2,600) for
26 each child of such deceased person during such time as such child
27 is under the age of eighteen (18) or over said age and physically
28 or mentally incapacitated from earning; and if there is any such
29 child and no surviving spouse or the surviving spouse later dies,
30 such an annuity as would have been payable to the surviving
31 spouse had there been one or had he/she lived, to or for the benefit
32 for such child, or of such children in equal shares, during the time
33 aforesaid; if there is any such child and the surviving spouse
34 remarries, in lieu of the aforesaid annuity to him/her, an annuity
35 of twelve thousand dollars (\$12,000) to or for the benefit of each
36 such child during the time aforesaid; and if there is no surviving
37 spouse and no child, an annuity not exceeding fifteen thousand
38 dollars (\$15,000) to or for the benefit of the father or mother of
39 the deceased if such father or mother was dependent on him/her
40 for support at the time of his/her death, during such time as the
41 beneficiary is unable to support himself or herself and does not
42 marry.”

1 SECTION 2. Section 89B of Chapter 32 of the General Laws,
2 as appearing in the 2002 Official Edition is hereby amended in
3 line 61 by striking the words “or a reserve or call fireman” and
4 inserting in their place the words “or a reserve, call or volunteer
5 firefighter.” It is hereby further amended by striking the word
6 “fireman” wherever it appears in said section and inserting in its
7 place the word “firefighter;” and by striking the word “policeman”
8 wherever it appears in said section and inserting in its place the
9 words “police officer.”

1 SECTION 3. Section 89B of Chapter 32 of the General Laws,
2 as appears in the 2002 Official Edition is hereby amended in
3 line 85 by adding at the end of the seventh paragraph the words:
4 “or in the case of fire or water district, the prudential com-
5 mittee.”

1 SECTION 4. Section 89B of Chapter 32 of the General Laws,
2 as appears in the 2002 Official Edition is hereby amended in
3 line 92 by adding at the end of the last sentence the following
4 words:

5 “and in a fire or water district by a majority vote at the annual
6 district meeting.”

