

By Mr. Cabral of New Bedford, petition of the Massachusetts AFL-CIO, Antonio F. D. Cabral and other members of the General Court for legislation to regulate the payment of workers' compensation benefits. Commerce and Labor.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Seven.  
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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  
3 hereby amended by striking out Section 34, as so appearing, and  
4 inserting 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 compensation shall be equal to his  
13 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 com-  
10 pensation rate.

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