

HOUSE No. 1442

By Mr. Welsh of Boston, petition of Michael M. McGonagle relative to payment of annuities to dependents of policemen, firemen and investigators and examiners of the registry of motor vehicles and of forest wardens who are killed or die from injuries received while in performance of duty. Pensions.

The Commonwealth of Massachusetts

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

An Act relative to the Payment of Annuities to Dependents of Policemen, Firemen, Investigators or Examiners of the Registry of Motor Vehicles or Forest Wardens of Cities or Towns who are killed or die from Injuries received in the Performance of Duty.

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 eighty-nine of chapter thirty-two of the
2 General Laws, as most recently amended by chapter
3 three hundred and forty-three of the acts of nine-
4 teen hundred and thirty-four, is hereby further
5 amended by inserting after the word "be" in the
6 twentieth line the words:—, or a bodily injury
7 suffered while undergoing a hazard incident to the
8 performance of his duty as the case may be,—so
9 as to read as follows:—*Section 89.* If a member
10 of the police or fire force, or a forest warden, of a

11 city or town, or a member of the department of
12 public safety doing police duty, or an investigator
13 or examiner of the registry of motor vehicles in the
14 department of public works doing police duty, is
15 killed, or dies from injuries received, while in the
16 performance of his duty as a member of such force
17 or as a forest warden or as such a member of said
18 department of public safety or as such an investi-
19 gator or examiner of said registry, as the case may
20 be, and it shall be proved to the satisfaction of the
21 mayor and city council or selectmen, or of the com-
22 missioner of public safety subject to the approval
23 of the governor and council, or of the commissioner
24 of public works, subject to like approval, as the
25 case may be, that such death was the natural and
26 proximate result of an accident occurring during
27 the performance and within the scope of his duty
28 as a member of such force or as a forest warden or
29 as such a member of said department of public
30 safety or as such an investigator or examiner of
31 said registry, as the case may be, or a bodily injury
32 suffered while undergoing a hazard incident to the
33 performance of his duty as the case may be, and
34 all members of a board consisting of two physicians
35 designated by the mayor and city council, the select-
36 men, the commissioner of public safety or the com-
37 missioner of public works, as the case may be, and
38 one physician to be designated by the commis-
39 sioner of public health shall certify to the city,
40 town or state treasurer, as the case may be, that
41 the death was the direct result of the said injury,
42 there shall be paid except as hereinafter provided,
43 out of the city, town or state treasury, as the case
44 may be, to the following dependents of such de-

45 ceased person the following annuities: To the
46 widow, so long as she remains unmarried, an annuity
47 not exceeding one thousand dollars a year, increased
48 by not exceeding two hundred dollars for each child
49 of such deceased person during such time as such
50 child is under the age of eighteen or over said age
51 and physically or mentally incapacitated from earn-
52 ing; and, if there is any such child and no widow
53 or the widow later dies, such an annuity as would
54 have been payable to the widow had there been
55 one or had she lived, to or for the benefit of such
56 child, or of such children in equal shares, during
57 the time aforesaid; and, if there is any such child
58 and the widow remarries, in lieu of the aforesaid
59 annuity to her, an annuity not exceeding two hun-
60 dred and sixty dollars to or for the benefit of each
61 such child during the time aforesaid; and, if there
62 is no widow and no such child, an annuity not ex-
63 ceeding one thousand dollars to or for the benefit
64 of the father or mother of the deceased if dependent
65 upon him for support at the time of his death, dur-
66 ing such time as such beneficiary is unable to sup-
67 port himself or herself and does not remarry. The
68 total amount of all such annuities shall not exceed
69 the annual rate of compensation received by such
70 deceased person at the date of his death, except
71 that if such deceased person was a reserve or special
72 policeman or a reserve or call fireman of a city or
73 town and, at the time he was killed or at the time
74 he received the injuries resulting in his death, was
75 performing duty to which he was assigned or called
76 as such policeman or fireman and for the perform-
77 ance of which he was entitled to compensation
78 from said city or town, the total amount of all such

79 annuities shall not exceed the annual rate of com-
80 pensation payable to a regular or permanent mem-
81 ber of the police or fire force thereof, as the case
82 may be, for the first year of service therein, and if
83 there are no regular or permanent members of the
84 police or fire force thereof, as the case may be, said
85 total amount should not exceed the sum of one
86 thousand dollars. The amount of any such an-
87 nuity shall from time to time be determined within
88 the limits aforesaid by the mayor and city council,
89 the selectmen, or the commissioner of public safety
90 subject to the approval of the governor and council,
91 or the commissioner of public works, subject to like
92 approval, as the case may be.

93 In case the deceased was a member of a contribu-
94 tory retirement system for public employees, the
95 benefits provided under this section shall be in the
96 alternative for the benefits, if any, provided by
97 such retirement system for dependent widows and
98 children or for dependent fathers or mothers; and
99 the widow, or if there is no widow, the legal repre-
100 sentative of the children entitled thereto, if any,
101 otherwise the father or mother in the order named,
102 shall elect which benefits shall be granted. Such
103 election shall be made in writing and shall be filed
104 with the retirement board in charge of the system
105 of which the deceased was a member and shall not
106 be subject to change or revocation after the first
107 payment of any benefit thereunder.