

By Mr. Ambler of Weymouth, petition of the Mass. State Labor Council and Robert B. Ambler relative to increasing certain benefits payable to dependents under the Workmen's Compensation Act. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Four.

AN ACT TO INCREASE BENEFITS PAYABLE TO DEPENDENTS UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 152 of the General Laws is hereby amended by
2 striking out the second and third paragraphs of section 31 and
3 inserting in place thereof the following two paragraphs: —
4 To the widow or widower, so long as she or he remains
5 unmarried, sixty dollars a week if and so long as there is no child
6 of the employee, who is under the age of eighteen, or over said
7 age and physically or mentally incapacitated from earning; to or
8 for the use of the widow or widower and for the benefit of all
9 children of the employee, seventy dollars a week if and so long as
10 there is one such child, and ten dollars more a week for each such
11 additional child; provided, that in case any such child is a child
12 by a former wife or husband, the death benefit shall be divided
13 between the surviving wife or husband and all living children of
14 the deceased employee in equal shares, the surviving wife or
15 husband taking the same share as a child. If the widow or
16 widower dies, such amount or amounts as would have been
17 payable to or for her or his own use and for the benefit of all
18 children of the employee shall be paid in equal shares to all the
19 surviving children of the employee. If the widow or widower
20 remarries, all payments under the foregoing provisions shall

21 terminate and the insurer shall pay each week to each of such
22 children of the employee twenty-five dollars a week. If there is
23 no surviving wife or husband of the deceased employee, such
24 amount or amounts as would have been payable under this
25 section to or for the use of a widow or widower and for the
26 benefit of all such children of the employee, shall be paid in
27 equal shares to all such surviving children of the employee, but
28 no individual shall receive an amount in excess of sixty dollars a
29 week. The total amount of payments and the period of payments
30 in all cases under this section shall not be more than twenty-
31 seven thousand dollars nor continue for more than four hundred
32 weeks except that payment to or for the benefit of children of
33 the deceased employee under the age of eighteen shall not be
34 discontinued prior to the age of eighteen, and except that after a
35 dependent unmarried widow or physically or mentally in-
36 capacitated child over the age of eighteen has received the
37 maximum payments he or she shall continue to receive further
38 payments, but only during such periods as he or she is in fact not
39 fully self-supporting. Either party may request hearings at
40 reasonable intervals before a board member on the question of
41 granting such payments, or on the question of restoration of such
42 payments or on the question of discontinuance of such pay-
43 ments. A member of the board may set a case for hearing on his
44 own initiative, after due notice to both parties.

45 In all other cases of total dependency, the insurer shall pay the
46 dependents of the employee wholly dependent upon his earnings
47 for support at the time of the injury, or at the time of his death,
48 a weekly payment equal to two thirds of his average weekly
49 wages, but not more than thirty-five dollars nor less than twenty
50 dollars a week, for a period of five hundred weeks; but in no case
51 shall the amount be more than fourteen thousand dollars. If the
52 employee leaves dependents only partially dependent upon his
53 earnings for support at the time of his injury, or at the time of
54 his death, the insurer shall pay such dependents a weekly
55 compensation equal to the same proportion of the weekly
56 payments for the benefit of persons wholly dependent as the
57 amount contributed by the employee to such partial dependents
58 bears to the annual earnings of the deceased at the time of his

59 injury. In the event of the parties agreeing or the division finding
60 that a partial dependent is the next of kin of the deceased
61 employee and has, during the year preceding the injury, received
62 from such deceased employee contributions for his support
63 independent of gifts and gratuities, such partial dependent shall
64 be paid by the insurer a minimum weekly compensation of
65 twenty dollars. When weekly payments have been made to an
66 injured employee before his death, compensation under this
67 paragraph to dependents shall begin from the date of the death
68 of the employee, but shall not continue for more than five
69 hundred weeks; but in no case of partial dependency shall the
70 amount be more than fourteen thousand dollars.

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