

By Mr. Murphy of Brockton, petition of Bernard Cohen for increasing the benefits payable to certain dependents of employees killed in industrial accidents. Labor and Industries.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT INCREASING THE BENEFITS TO CERTAIN DEPENDENTS OF EMPLOYEES KILLED IN INDUSTRIAL ACCIDENTS.

*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 31 of chapter 152 of the General Laws is hereby  
2 amended by striking out the second paragraph, as most  
3 recently amended by chapter 446 of the acts of 1964, and  
4 inserting in place thereof the following paragraph:—  
5 To the widow or widower, so long as she or he remains  
6 unmarried, fifty dollars a week if and so long as there is no  
7 child of the employee, who is under the age of eighteen, or  
8 over said age and physically or mentally incapacitated from  
9 earning; to or for the use of the widow or widower and for  
10 the benefit of all children of the employee, fifty-six dollars a  
11 week if and so long as there is one such child, and six dollars  
12 more a week for each such additional child; provided, that in  
13 case any such child is a child by a former wife or husband, the  
14 death benefit shall be divided between the surviving wife or  
15 husband and all living children of the deceased employee in  
16 equal shares, the surviving wife or husband taking the same  
17 share as a child. If the widow or widower dies, such amount  
18 or amounts as would have been payable to or for her or his  
19 own use and for the benefit of all children of the employee  
20 shall be paid in equal shares to all the surviving children of  
21 the employee. If the widow or widower remarries, all pay-  
22 ments under the foregoing provisions shall terminate and the

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