

# HOUSE . . . . No. 217

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By Mr. Skerry of Medford, petition of the Massachusetts Police Association and others relative to providing for a survivors benefit for policemen and firemen under the non-contributory pension system. Pensions and Old Age Assistance.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Two.

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### AN ACT PROVIDING FOR A SURVIVORS BENEFIT UNDER THE NON-CONTRIBUTORY PENSION SYSTEM.

*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 32 of the General Laws is hereby amended  
2 by inserting after section 85G the following new sec-  
3 tion: —

4 *Section 85H.* Any policeman or fireman who is  
5 eligible for superannuation retirement under sections  
6 eighty to eighty-five E, inclusive, of this chapter in  
7 effect in the city or town where he is employed shall  
8 have the right to select on his retirement one of the  
9 following options for the payment of his pension: —

10 *Option A.* — The maximum amount of pension pay-  
11 able under the law to such policeman or fireman at the  
12 time of his retirement.

13 *Option B.* — A lesser amount of pension, equal to  
14 eighty per cent of the pension payable under option A

15 of this section, which shall be paid to such policeman  
16 or fireman during his lifetime, with the provision that  
17 two thirds of the yearly amount of such lesser pen-  
18 sion shall after his death be paid to his widow so long  
19 as she remains unmarried; provided, that they have  
20 been married not less than five years before the date  
21 of his retirement.

22 If a policeman or fireman, who has served continu-  
23 ously for not less than twenty years in any city or  
24 town where he would be eligible for superannuation  
25 retirement under sections eighty to eighty-five E, in-  
26 clusive, dies before being retired, his widow shall re-  
27 ceive two thirds of the pension, provided for under  
28 option B of this section, so long as she remains un-  
29 married; provided, that she has been married to such  
30 policeman or fireman not less than five years before  
31 the date of his death. This paragraph shall not apply  
32 to death in line of duty.

33 Any former policeman or fireman who has been  
34 retired except for disability under any provisions of  
35 said sections eighty to eighty-five E, inclusive, prior  
36 to the effective date of this section may, within six  
37 months of said effective date, file an application with  
38 the retiring authority of the city or town where he  
39 was retired to have his pension reduced to the amount  
40 provided by option B of this section. Beginning the  
41 first day of the month next following thirty days after  
42 the receipt of such application, his pension shall be  
43 reduced to such lesser amount for the rest of his life-  
44 time, and upon his death two thirds of such lesser  
45 pension shall be paid to his widow so long as she re-  
46 mains unmarried; provided, that they were married  
47 not less than five years prior to the date of his retire-  
48 ment. A widow of a policeman or fireman shall not

49 be eligible as a beneficiary under the provisions of this  
50 section unless they are living together at the time of  
51 his death or living apart for justifiable cause.

52 This section shall become effective in a city having  
53 a Plan E charter by the affirmative vote of a majority  
54 of the members of the city council, and in the case of  
55 other cities by vote of the city council, and in a town  
56 by a majority vote at a town meeting.

