

# SENATE . . . . No. 505

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## The Commonwealth of Massachusetts

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SENATE, May 29, 1936.

The committee on Pensions, to whom was recommitted the House Bill relative to the retirement of policemen and firemen in certain cities and towns (House, No. 1768), report that the same ought to pass, with an amendment substituting therefor a new draft with the same title (Senate, No. 505).

For the committee,

FRANCIS M. McKEOWN.

## The Commonwealth of Massachusetts

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

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An Act relative to the Retirement of Policemen and Firemen in Certain Cities and Towns.

*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. Section eighty of chapter thirty-two  
2 of the General Laws, as amended by section eight of  
3 chapter two hundred and eighty-five of the acts  
4 of nineteen hundred and thirty-four, is hereby further  
5 amended by striking out, in the sixteenth and seven-  
6 teenth lines, as appearing in the Tercentenary Edition,  
7 the words "and has attained the age of sixty shall be  
8 retired at his request" and inserting in place thereof  
9 the words:— shall, at any time after attaining the  
10 age of sixty and before attaining the age of seventy,  
11 be retired at his request and shall, on attaining the  
12 age of seventy, be retired without any request on  
13 his part, and no other permanent member of said  
14 department shall remain in service after he has at-  
15 tained or shall attain the age of seventy, — so as to  
16 read as follows:— *Section 80.* In cities, except  
17 Boston, which accept this and the following section  
18 or have accepted corresponding provisions of earlier  
19 laws by vote of the city council, the fire commissioner  
20 in cities having such an official, otherwise the alder-

21 men, in all cases with the approval of the mayor, shall  
22 retire from active service and place upon the pension  
23 roll any fireman, call fireman or substitute call fire-  
24 man of the city whom the city physician certifies in  
25 writing to be permanently disabled, mentally or  
26 physically, by injuries sustained or illness incurred  
27 through no fault of his own in the actual performance  
28 of duty, from further performing duty as such mem-  
29 ber; or any permanent member of said department  
30 who has performed faithful service therein for not  
31 less than twenty-five years as such or as a call mem-  
32 ber and permanent member of said department, if in  
33 the judgment of said board or official such member  
34 is disabled for useful service in the department; pro-  
35 vided, that any permanent member of said depart-  
36 ment who has performed faithful service therein for  
37 twenty-five years as aforesaid shall, at any time after  
38 attaining the age of sixty and before attaining the  
39 age of seventy, be retired at his request and shall,  
40 on attaining the age of seventy, be retired without  
41 any request on his part, and no other permanent  
42 member of said department shall remain in service  
43 after he has attained or shall attain the age of seventy.  
44 Any acceptance of this and the following section may  
45 be limited by the vote of acceptance to any one or  
46 more of the classes of firemen hereinbefore set forth.  
47 No fireman whose employment begins after De-  
48 cember thirty-first, nineteen hundred and thirty-seven,  
49 shall be subject to the provisions of this section.

1 SECTION 2. Section eighty-three of said chapter  
2 thirty-two, as appearing in the Tercentenary Edition,  
3 is hereby amended by striking out, in the fourteenth  
4 line, the words "and every" and inserting in place

5 thereof the following: — provided, that any permanent  
6 member of said department who has performed faith-  
7 ful service therein for twenty-five years as aforesaid  
8 shall, at any time after attaining the age of sixty and  
9 before attaining the age of seventy, be retired at his  
10 request and shall, on attaining the age of seventy be  
11 retired without any request on his part, and no other  
12 permanent member of said department shall remain  
13 in service after he has attained or shall attain the age  
14 of seventy. Every, — so as to read as follows: —  
15 *Section 83.* In every city, except Boston, which,  
16 by vote of its city council, accepts this section or has  
17 accepted corresponding provisions of earlier laws, the  
18 mayor and aldermen, or the board of police where such  
19 a board is established, shall, at his own request or at  
20 the request of the chief or superintendent of police  
21 if, in the judgment of said board or officer, he is dis-  
22 abled for useful service in said department, retire from  
23 active service and place upon a pension roll any mem-  
24 ber of the police department of such city whom the  
25 city physician of such city certifies in writing to be  
26 permanently disabled, mentally or physically, by  
27 injuries sustained through no fault of his own in the  
28 actual performance of duty, from further performing  
29 duty as such member, or any member of said depart-  
30 ment who has performed faithful service therein for  
31 not less than twenty years continuously if, in the judg-  
32 ment of said board or officer, such member is disabled  
33 for useful service in the department; provided, that  
34 any permanent member of said department who has  
35 performed faithful service therein for twenty-five years  
36 as aforesaid shall, at any time after attaining the age  
37 of sixty and before attaining the age of seventy, be  
38 retired at his request and shall, on attaining the age of

39 seventy be retired without any request on his part,  
40 and no other permanent member of said department  
41 shall remain in service after he has attained or shall  
42 attain the age of seventy. Every member so retired  
43 shall annually receive as a pension one half the amount  
44 of compensation received by him at his retirement,  
45 such amount to be paid by the city, which shall ap-  
46 propriate money therefor.

47 The board of police, or the mayor in cities having  
48 no such board, may in an emergency call upon any  
49 person so pensioned for such temporary service in the  
50 department as he may be fitted to perform, and during  
51 such service he shall be entitled to full pay.

1 SECTION 3. Section eighty-five of said chapter  
2 thirty-two, as so appearing, is hereby amended by  
3 striking out the second sentence and inserting in  
4 place thereof the following: — Any permanent mem-  
5 ber of either of said departments who has performed  
6 faithful service therein for twenty-five years as afore-  
7 said shall, at any time after attaining the age of sixty  
8 and before attaining the age of seventy, be retired at  
9 his request and shall, on attaining the age of seventy  
10 be retired without any request on his part, and no  
11 other permanent member of either of said depart-  
12 ments shall remain in service after he has attained  
13 or shall attain the age of seventy, — so as to read as  
14 follows: — *Section 85.* The selectmen of every town  
15 which accepts this section or has accepted correspond-  
16 ing provisions of earlier laws by a two thirds vote at  
17 an annual town meeting shall retire from active serv-  
18 ice and place upon the pension roll any permanent  
19 member of the police department and any permanent  
20 member of the fire department of such town found

21 by them to be permanently incapacitated, mentally  
22 or physically, for useful service in the department to  
23 which he belongs, by injuries received through no  
24 fault of his own in the actual performance of his duty.  
25 Any permanent member of either of said departments  
26 who has performed faithful service therein for twenty-  
27 five years as aforesaid shall, at any time after attain-  
28 ing the age of sixty and before attaining the age of  
29 seventy, be retired at his request and shall, on at-  
30 taining the age of seventy be retired without any  
31 request on his part, and no other permanent member  
32 of either of said departments shall remain in service  
33 after he has attained or shall attain the age of seventy.  
34 If a permanent member of the police department of  
35 such a town was, prior to the establishment of a police  
36 department therein, employed in said town as a police  
37 officer by appointment under section ninety-six of  
38 chapter forty-one, the period of such appointment  
39 shall be counted as a part of his continuous service  
40 as a permanent member of its police department.  
41 Every person so retired shall annually receive from  
42 the town as a pension a sum equal to one half of the  
43 annual compensation received by him at his retire-  
44 ment. The selectmen may in an emergency call upon  
45 any person so pensioned for such temporary service  
46 in the department from which he was retired as they  
47 may deem him fitted to perform, and during such  
48 service he shall be entitled to full pay.

1 SECTION 4. Said chapter thirty-two is hereby fur-  
2 ther amended by striking out section ninety, as ap-  
3 pearing in the Tercentenary Edition, and inserting in  
4 place thereof the following: —

5    *Section 90.* No provision of section forty-two A,  
6 forty-two B, forty-three or forty-five of chapter  
7 thirty-one shall apply in cities or towns in the case of  
8 members of police or fire departments whose services  
9 are terminated by retirement on pension or otherwise  
10 by reason of having attained age seventy.

