

HOUSE No. 215

By Mr. O'Rourke of Northampton, petition of John J. O'Rourke that impairment of health caused by tuberculosis shall be presumed to have been suffered in line of duty under the accidental disability retirement law. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT A CERTAIN PHYSICAL CONDITION OR DISEASE RESULTING IN TOTAL OR PARTIAL DISABILITY SHALL BE PRESUMED TO HAVE BEEN SUFFERED IN LINE OF DUTY, WITH REFERENCE TO THE ACCIDENTAL DISABILITY RETIREMENT LAW.

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 94 of chapter 32 of the General Laws, as
2 amended by chapter 594 of the acts of 1951, is hereby
3 further amended by inserting after the word "by",
4 in line 4, the word: — tuberculosis, — so as to read
5 as follows: — *Section 94.* Notwithstanding the pro-
6 visions of any general or special law to the contrary
7 affecting the non-contributory or contributory sys-
8 tem, any condition of impairment of health caused by
9 tuberculosis, hypertension or heart disease resulting
10 in total or partial disability to a uniformed member
11 of a paid fire department or permanent member of a
12 police department, or of the police force of the metro-
13 politan district commission, or of the state police in

14 the department of public safety, or of the capitol
15 police, or of the public works building police, who
16 successfully passed a physical examination on entry
17 into such service, which examination failed to reveal
18 any evidence of such condition, shall be presumed to
19 have been suffered in line of duty, unless the contrary
20 be shown by competent evidence.