



*The Commonwealth of Massachusetts*

*Division of Industrial Accidents*

*Leverett Saltonstall Building, Government Center*

*100 Cambridge Street, Boston 02202*

I.A.B. FILE NO.

ATTENTION OF:

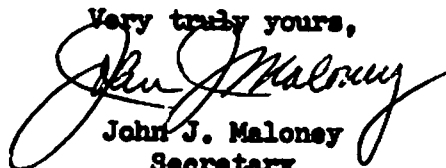
January 30, 1974

CIRCULAR LETTER NO. 200

**TO:** ALL INSURANCE COMPANIES, ALL SELF-INSURERS, AND WORKMEN'S COMPENSATION AGENTS OF DEPARTMENTS OF THE COMMONWEALTH AND COUNTIES, CITIES, TOWNS, AND DISTRICTS SUBJECT TO THE WORKMEN'S COMPENSATION LAW (GENERAL LAWS, CHAPTER 152, AS AMENDED).

Enclosed is a copy of the Legislation enacted in 1973 affecting the Workmen's Compensation Law.

Enclosure  
JJM:kms

Very truly yours,  
  
John J. Maloney  
Secretary

"Publication #7068-8-9600-2-74-CR  
Approved by Alfred C. Holland,  
State Purchasing Agent."

## CHAPTER 381

AN ACT AUTHORIZING THE DIVISION OF INDUSTRIAL ACCIDENTS  
TO GRANT HEARINGS TO PARTIES FAILING TO REQUEST THE SAME  
WITHIN THE TIME FIXED BY LAW.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 8A, as most recently amended by section 3 of chapter 742 of the Acts of 1972, and inserting in place thereof the following section:

SECTION 8A. A party who has by accident, mistake or through reasonable cause, omitted to request a hearing from a written order filed under section seven within the time limited therein may, within thirty days from the filing of such order, petition the division for leave to request such hearing and the division may grant such petition and permit such hearing to be requested if it finds justice and equity require it, notwithstanding a decree has previously been rendered on such order as provided in section eleven.

A party who has by accident, mistake or through other reasonable cause, omitted to claim a review from a decision rendered under section eight within the time limited under section ten, may, within two years from the filing of such decision with the division, petition the superior court for the county in which the injury occurred, or for the county of Suffolk or the municipal court of the city of Boston, if the injury occurred in Suffolk county, for leave to claim such review, and the court may grant such petition and permit such claim to be filed if it finds that justice and equity require it, notwithstanding that a decree has previously been rendered on such decision as provided in section eleven.

Approved June 12, 1973.  
Effective September 10, 1973.

## CHAPTER 403

AN ACT PROVIDING THAT INSURERS SHALL NOT BE REQUIRED TO  
NOTIFY THE DIVISION OF INDUSTRIAL ACCIDENTS OF THE RE-

## CHAPTER 855

### **AN ACT FACILITATING THE EMPLOYMENT OR RE-EMPLOYMENT OF DISABLED WORKERS BY EXPANDING THE FUNCTIONS OF THE SECOND INJURY FUND.**

Be it enacted, etc., as follows:

**SECTION 1.** The first sentence of the second paragraph of section 26 of chapter 152 of the General Laws, as appearing in section 1 of chapter 623 of the acts of 1945, is hereby amended by striking out, in line 8, the word "sixty-five N" and inserting in place thereof the word: - sixty-five.

**SECTION 2.** Said chapter 152 is hereby further amended by striking out section 37, as most recently amended by chapter 287 of the acts of 1957, and inserting in place thereof the following section:-

**Section 37.** Whenever an employee who has a known physical impairment which is due to any previous accident, disease or any congenital condition and is, or is likely to be, a hindrance or obstacle to his employment, and who, in the course of and arising out of his employment, receives a personal injury for which compensation is required by this chapter and which results in disability that is substantially greater by reason of the combined effects of such impairment and subsequent personal injury than that disability which would have resulted from the subsequent personal injury alone, the insurer or self-insurer shall pay all compensation provided by this chapter. Such insurer or self-insurer shall, however, be reimbursed by the state treasurer from the fund created by section sixty-five in an amount not to exceed fifty per cent of all compensation subsequent to that paid for the first one hundred and four weeks of disability.

If said subsequent injury is caused by the pre-existing impairment or if said subsequent personal injury of such an employee shall result in the death of the employee, and it shall be determined that the death would not have occurred except for such pre-existing physical impairment, the insurer

Approved October 2, 1973  
Effective December 31, 1973

**SECTION 6.** Section sixty-five N of said chapter one hundred and fifty-two is hereby repealed.

hereunder.  
of the division, be payable out of the special fund established  
thirty-seven and thirty-seven A, shall, subject to the approval  
section, or against claims for reimbursement under sections  
by the attorney general of claim for deposit under this  
the reasonable expense of prosecution or defense, if any.

CHAPTER 978

AN ACT INCREASING THE AMOUNT OF COMPENSATION FOR  
INCAPACITY UNDER THE WORKMEN'S COMPENSATION ACT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for certain increases in payments under the workmen's compensation law effective November the first, nineteen hundred and seventy-three, in order to assist injured employees to maintain necessary support while permanently or partially incapacitated, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by striking out section 34, as most recently amended by section 4 of chapter 879 of the acts of 1971, and inserting in place thereof the following section:-

Section 34. While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than ninety dollars nor less than twenty dollars a week, unless the weekly wages of the injured employee are less than twenty dollars, in which case said weekly compensation shall be equal to his average weekly wages, but not less than ten dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed twenty-two thousand five hundred dollars, except that if the injured employee has received compensation for the same injury under section thirty-five the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set

Said date. Sections four, five and six, shall apply only to injuries occurring after said date.  
November the first, nineteen hundred and seventy-four and shall