



The Commonwealth of Massachusetts

Division of Industrial Accidents

State Office Building, Government Center

100 Cambridge Street, Boston 02202

WHEN REPLYING
PLEASE QUOTE I.A.B.
FILE NO.
ATTENTION OF:

October 22, 1969

CIRCULAR LETTER NO. 166

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).

Your attention is invited to the amendments to Chapter 152 during the 1969 Legislative year. Enclosed is a copy of Chapters 529, 567, 755, 833 and 863 of the Acts of 1969.

Effective November 23, 1969, the maximum weekly benefits payable under Sections 34, 34A and 35, will be \$70 per week, for injuries which occur on or after November 23, 1969.

Very truly yours,

John J. Maloney
Secretary

JJM/ec

CHAPTER 529

AN ACT INCREASING THE MAXIMUM WEEKLY BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT.

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 1 of chapter 482 of the acts of 1967, 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 seventy 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 sixteen thousand 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 forth in section thirty-five.

SECTION 2. Section 34A of said chapter 152 is hereby amended by striking out the first sentence, as most recently amended by section 2 of said chapter 482, and inserting in place thereof the following sentence:- While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them a weekly compensation equal to two thirds of the average weekly wage but not more than seventy dollars per week nor less than twenty dollars a week during the continuance of such permanent and total incapacity.

SECTION 3. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 3 of said chapter 482, and inserting in place thereof the following section:-

Section 35. While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than seventy dollars per week; and the amount of such compensation shall not be more than eighteen thousand dollars, nor shall the combined amount of compensation payable under this section and section thirty-four be more than eighteen thousand dollars.

SECTION 4. This act shall take effect on November twenty-third, nineteen hundred and sixty-nine.

Approved July 17, 1969
Effective November 23, 1969

CHAPTER 863

AN ACT INCREASING THE MAINTENANCE ALLOWANCE FOR CERTAIN INJURED PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

The second sentence of the first paragraph of section 69 of chapter 152 of the General Laws, as appearing in chapter 555 of the acts of 1959, is hereby amended by striking out, in line 6 and 7, the words "thirteen dollars and fifty cents" and inserting in place thereof the words:- thirty dollars.

Approved August 29, 1969
Effective November 27, 1969

CHAPTER 567

AN ACT PROVIDING FOR THE RETURN OF CERTAIN DEPOSITS BY CERTAIN SELF-INSURERS UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

Paragraph (2) (a) of section 25A of chapter 152 of the General Laws is hereby amended by adding the following sentence:- If an employer engaged in interstate or foreign commerce certifies that the laws of the United States provide for liability for injury to or death of its employees, the deposit may be returned to the employer less such amount as determined by the division as necessary to satisfy against liability that may already have arisen under this chapter; and provided that such determination by the division shall be reviewable by the superior court for the county in which the employer resides, or, in the case of a corporation, where said corporation has a usual place of business.

Approved July 24, 1969
Effective October 22, 1969

CHAPTER 755

AN ACT RELATIVE TO THE LIABILITY OF GENERAL EMPLOYERS AND SPECIAL EMPLOYERS UNDER THE WORKMEN'S COMPENSATION ACT.

Be it enacted, etc., as follows:

SECTION 1. The definition of "Employer" in subsection (5) of section 1 of chapter 152 of the General Laws is hereby amended by adding the following sentence:- The word "employer" shall include both the general employer and the special employer in any case where both relationships exist with respect to an employee.

SECTION 2. Section 18 of said chapter 152 is hereby amended by adding the following paragraph:-

In any case where there shall exist with respect to an employee a general employer and a special employer relationship, as between the general employer and the special employer, the liability for the payment of compensation for the injury shall be borne by the general employer or its insurer, and the special employer or its insurer shall be liable for such payment if the parties have so agreed or if the general employer shall not be an insured or insured person under this chapter.

Approved August 22, 1969
Effective November 20, 1969

CHAPTER 833

AN ACT PROVIDING THAT BENEFITS UNDER THE WORKMEN'S COMPENSATION ACT SHALL IN CERTAIN CASES BE BASED ON THE LAW IN EFFECT ON THE DATE OF THE FINAL DECISION RATHER THAN THE DATE OF THE INJURY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by inserting after section 51 the following section:-

Section 51A. In any claim in which no compensation has been paid prior to the final decision on such claim, said final decision shall take into consideration the compensation provided by statute on the date of the decision, rather than the date of the injury.

SECTION 2. Section fifty-one A of chapter one hundred and fifty-two of the General Laws, inserted by section one of this act, shall apply only to injuries occurring on or after the effective date of this act.

Approved August 27, 1969
Effective November 25, 1969

Publication of this Document Approved by Alfred Holland,
State Purchasing Agent - #1.

CHAPTER 21

AN ACT PROVIDING THAT MEDICAL REPORTS OF DECEASED ATTENDING AND EXAMINING PHYSICIANS SHALL BE ADMISSIBLE IN EVIDENCE IN WORKMEN'S COMPENSATION CASES.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by inserting after section 7C the following section:-

SECTION 7D. In any claim for compensation the medical report of a deceased physician who attended or examined the claimant, including expressions of medical opinion, shall, at the discretion of the member hearing the matter or the reviewing board, be admissible in evidence.

Approved February 26, 1968
Effective May 26, 1968