



# *The Commonwealth of Massachusetts*

## *Division of Industrial Accidents*

*150 Tremont Street, Boston 11*

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

June 30, 1964

### CIRCULAR LETTER NO. 135

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  
ACT (GENERAL LAWS, CHAPTER 152, AS AMENDED).

Gentlemen:

Your attention is directed to the provisions of  
Chapter 446 of the Acts of 1964, effective August 27, 1964,  
which applies to injuries resulting in death and to fatalities  
occurring on or after the said August 27, 1964.

The compensation payable to the surviving widow or  
widower is increased from \$35 to \$40 a week.

If the widow or widower remarries the compensation  
payable to each child is increased from \$12 to \$15 a week.

Very truly yours,

*John J. Maloney*  
Secretary

JJM/ec

AN ACT INCREASING BENEFITS TO WIDOWS AND CHILDREN OF EMPLOYEES KILLED  
IN INDUSTRIAL ACCIDENTS.

Be it enacted, etc., as follows:

Section 31 of chapter 152 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter 541 of the acts of 1961, and inserting in place thereof the following paragraph:-

To the widow or widower, so long as she or he remains unmarried, forty dollars a week if and so long as there is no child of the employee, who is under the age of eighteen, or over said age and physically or mentally incapacitated from earning; to or for the use of the widow or widower and for the benefit of all children of the employee, forty-six dollars a week if and so long as there is one such child, and six dollars more a week for each such additional child; provided, that in case any such child is a child by a former wife or husband, the death benefit shall be divided between the surviving wife or husband and all living children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. If the widow or widower dies, such amount or amounts as would have been payable to or for her or his own use and for the benefit of all children of the employee shall be paid in equal shares to all the surviving children of the employee. If the widow or widower remarries, all payments under the foregoing provisions shall terminate and the insurer shall pay each week to each of such children of the employee fifteen dollars a week. If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow or widower and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee, but no individual shall receive an amount in excess of forty-one dollars a week. The total amount of payments and the period of payments in all cases under this section shall not be more than sixteen thousand dollars nor continue for more than four hundred weeks, except that payment to or for the benefit of children of the deceased employee under the age of eighteen shall not be discontinued prior to the age of eighteen, and except that after a dependent unmarried widow or physically or mentally incapacitated child over the age of eighteen has received the maximum payments, he or she shall continue to receive further payments, but only during such periods as he or she is in fact not fully self-supporting. Either party may request hearings at reasonable intervals before a board member on the question of granting such payments, or on the question of restoration of such payments, or on the question of discontinuance of such payments. A member of the board may set a case for hearing on his own initiative, after due notice to both parties.

Approved May 29, 1964  
Effective August 27, 1964

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