



# *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:

December 1, 1981

CIRCULAR LETTER NO. 206

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 1981 affecting the Workmen's Compensation Law.

Very truly yours,

*Francis J. Joyce*  
Francis J. Joyce,  
Secretary

Enclosure  
FJJ:mpv

CHAPTER 572

AN ACT CHANGING 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 5 of chapter 474 of the acts of 1976, 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 this average weekly wages, but not more than the average weekly wage in the commonwealth, as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before October first of each year, unless the average weekly wages of the injured employee are less than forty dollars per week, in which case said weekly compensation shall be equal to his average weekly wages, but not less than twenty dollars per week where the number of normal working hours of the employee is fifteen or more; provided that the total amount under this section does not exceed the average weekly wage in the commonwealth in effect at the time of the injury multiplied by two hundred and fifty, said average weekly wage being determined according to the provisions of said subsection (a) and promulgated by the director of the division of employment security on or before the October first prior to the date of the injury; except that if the injured employee has received compensation for the same injury under section thirty-five, the combined amount of compensation under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 2. Said Chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 9 of said chapter 474, 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 the average weekly wage in the commonwealth as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A and promulgated by the director of the division of employment security on or before October first of each year, and the total amount of such compensation shall not be more than the average weekly wage in effect in the commonwealth at the time of injury as determined according to the provisions of said subsection (a) and promulgated by the director of the division of employment security on or before October first prior to the date of the injury multiplied by two hundred and fifty nor shall the combined total amount of compensation payable under this section and section thirty-four be more than the average weekly wage in effect in the commonwealth as determined according to the provisions of said subsection (a) and promulgated by the director of the division of employment security on or before the October first prior to the date of the injury multiplied by two hundred and fifty.

SECTION 3. Said Chapter 152 is hereby further amended by striking out section 36, as most recently amended by section 1 of chapter 741 of the acts of 1972, and inserting in place thereof the following section:-

SECTION 36. In addition to all other compensation the employee shall be paid the sums hereafter designated for the following specified injuries:-

(a) For the loss by enucleation or otherwise, or the total loss of use of one eye, or for injury to one eye which produces an inability which is not correctible to use both eyes together for single binocular vision, or the reduction to twenty-seventieths of normal vision in one eye, with glasses, the sum of nine thousand nine hundred dollars.

(b) For the loss by enucleation or otherwise, or the total loss of use of both eyes, or the reduction to twenty-seventieths of normal vision in both eyes, with glasses, the sum of twenty-four thousand seven hundred and fifty dollars.

(c) For any correctible permanent but partial reduction in either the acuity or field of vision of one or both eyes, such sum in proportion to the amount applicable in the event of total loss, total loss of use, or the reduction to twenty-seventieths of normal vision of one or both eyes as the correctible partial reduction bears to such total loss, total loss of use or reduction to twenty-seventieths of normal vision; provided that, for any permanent but partial reduction in either acuity or field of vision of either eye which requires the use of a corrective device, such as glasses or contact lens, to produce normal vision, the sum of one thousand six hundred and fifty dollars shall be awarded.

(d) For the loss of hearing of one ear, the sum of seven thousand four hundred and twenty-five dollars; for the loss of hearing of both ears, the sum of nineteen thousand eight hundred dollars.

(e) For the amputation or permanent total loss of use of the right or major arm, the sum of eleven thousand one hundred and forty dollars; for the amputation or permanent total loss of use of the left or minor arm, the sum of nine thousand nine hundred dollars; for the amputation or permanent total loss of use of both arms, the sum of twenty-four thousand seven hundred and fifty dollars.

(f) For the amputation or permanent total loss of use of the right or major hand at the wrist, the sum of eight thousand six hundred and sixty-five dollars; for the amputation or permanent total loss of use of the left or minor hand at the wrist, the sum of seven thousand four hundred and twenty-five dollars; for the amputation or permanent total loss of use of both hands at the wrists, the sum of nineteen thousand eight hundred dollars.

(g) For the amputation or permanent total loss of use of either leg, the sum of nine thousand nine hundred dollars; for the amputation or permanent total loss of use of both legs, the sum of twenty-four thousand seven hundred and fifty dollars.

(h) For the amputation or permanent total loss of use of either foot at any point above the ankle joint, the sum of seven thousand four hundred and twenty-five dollars; for the amputation or permanent total loss of use of both feet at any point above the ankle joints, the sum of seventeen thousand three hundred and twenty-five dollars.

(i) For any permanent but partial loss of use of a member, whether leg, foot, arm or hand, such sum in proportion to the amount applicable in the event of amputation or permanent total loss of use of said member as the said partial loss bears to the total loss of use of said member.

(j) For each loss of bodily function or sense, other than those specified in preceding paragraphs of this section, the amount which, according to the determination of the industrial accident board, reviewing board or single member, is a proper and equitable compensation, not to exceed eight thousand two hundred and fifty dollars; provided, however, that the total amount payable under this paragraph shall not exceed twenty thousand six hundred and twenty-five dollars.

(k) For bodily disfigurement, an amount which, according to the determination of the said board, reviewing board or single member, is a proper and equitable compensation, not to exceed ten thousand eight hundred and ninety dollars; which sum shall be payable in addition to all other sums due under this section.

Nothing in this section shall adversely affect the employee's right to any compensation which is or may become due under the provisions of this or any other section.

SECTION 4. Section 36A of said Chapter 152 is hereby amended by adding the following paragraph:-

Where any specified loss or losses under section thirty-six is a result of an injury involving brain damage, then, to that extent, payment in total under this section for such specific loss or losses resulting from said brain damage only shall be in the amount of twenty thousand dollars. In no event shall payments be made under this section for an injury resulting in instantaneous death.

SECTION 5. This act shall take effect upon its passage and shall apply only to injuries occurring on or after December 1, 1981.

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