



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:

October 27, 1971

CIRCULAR LETTER NO. 186

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 Chapter 879 of the Acts of 1971 which, effective November 1, 1971, increases the maximum amount of weekly compensation to \$77.00 and the maximum amount under sections 34 and 35 to \$20,000.

Effective November 1, 1972 the maximum amount of weekly compensation will be increased to \$80.00.

Very truly yours,

John J. Maloney
John J. Maloney
Secretary

JJM:kms

CHAPTER 879

AN ACT INCREASING WORKMEN'S COMPENSATION PAYMENTS.

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 first, nineteen hundred and seventy-one, 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 preservation of the public convenience and welfare. _____

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 529 of the acts of 1969, 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-seven 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 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 529, 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-seven 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 529, 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-seven dollars

per week; and the amount of such compensation shall not be more than twenty thousand dollars, nor shall the combined amount of compensation payable under this section and section thirty-four be more than twenty thousand dollars.

SECTION 4. Said Chapter 152 is hereby amended by striking out section 34, as most recently amended by section 1 of this act, 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 eighty 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 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 5. Section 34A of said chapter 152 is hereby amended by striking out the first sentence, as most recently amended by section 2 of this act, 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 eighty dollars per week nor less than twenty dollars a week during the continuance of such permanent and total incapacity.

SECTION 6. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 3 of this act, 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 eighty dollars per week; and the amount of such compensation shall not be more than twenty thousand dollars, nor shall the combined amount of compensation payable under this section and section thirty-four be more than twenty thousand dollars.

SECTION 7. Sections one, two and three of this act shall take effect on November first, nineteen hundred and seventy-one, and shall apply only to injuries occurring after said date. Sections four, five and six shall take effect on November first, nineteen hundred and seventy-two, and shall apply only to injuries occurring after said date.