

HOUSE No. 2571

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to injured on duty benefits for environmental police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kathi-Anne Reinstein	16th Suffolk
Todd M. Smola	1st Hampden
John W. Scibak	2nd Hampshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INJURED ON DUTY BENEFITS FOR ENVIRONMENTAL POLICE OFFICERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 41 of the General Laws, as so appearing, is hereby amended by
2 inserting after Section 111F the following new section:-

3 Section 111G. Whenever an environmental police officer of the Office of Environmental
4 Law Enforcement is incapacitated for duty because of injury sustained in the performance of his
5 duty without fault of his own shall be granted leave without loss of pay for the period of such
6 incapacity; provided, that no such leave shall be granted for any period after such environmental
7 police officer has been retired or pensioned in accordance with law or for any period after a
8 physician designated by the board or officer authorized to appoint environmental police officers
9 determines that such incapacity no longer exists. All amounts payable under this section shall be
10 paid at the same times and in the same manner as, and for all purposes shall be deemed to be, the
11 regular compensation of such environmental police officer.

12 Where the injury causing the incapacity of an environmental police officer for which he is
13 granted a leave without loss of pay and is paid compensation in accordance with the provisions

14 of this section, was caused under circumstances creating a legal liability in some person to pay
15 damages in respect thereof, either the person so injured or the office paying such compensation
16 may proceed to enforce the liability of such person in any court of competent jurisdiction. The
17 sum recovered shall be for the benefit of the office paying such compensation, unless the sum is
18 greater than the compensation paid to the person so injured, in which event the excess shall be
19 retained by or paid to the person so injured. For the purposes of this section, "excess" shall mean
20 the amount by which the total sum received in payment for the injury, exclusive of interest and
21 costs, exceeds the amount paid under this section as compensation to the person so injured. The
22 party bringing the action shall be entitled to any costs recovered by him. Any interest received in
23 such action shall be apportioned between the office and the person so injured in proportion to the
24 amounts received by them respectively, inclusive of interest and costs. The expense of any
25 attorney's fees shall be divided between the office and the person so injured in proportion to the
26 amounts received by them respectively.

27 Whoever intentionally or negligently injures an environmental police officer for which he is granted a
28 leave without loss of pay and is paid compensation in accordance with the provisions of this section shall
29 be liable in tort to the office paying such compensation for all costs incurred by such office in replacing
30 such injured environmental police officer which are in excess of the amount of compensation so paid.