

**SENATE . . . . . No. 2419**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Fourteen**  
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SENATE, December 22, 2014

The committee on Ethics and Rules, to whom was referred the House Bill relative to the indemnification of certain fire districts (House, No. 3953); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2419.

For the committee,  
Stanley C. Rosenberg

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**In the Year Two Thousand Fourteen**  
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1           SECTION 1. Chapter 32 of the General Laws is hereby amended by striking out section  
2 57B, as appearing in the 2012 Official Edition, and inserting in place thereof the following  
3 section:-

4           Section 57B. A member of a police or fire department of a city, town or a fire or water  
5 district who retires under sections 56 to 60, inclusive and who was appointed a reserve police  
6 officer or call fire fighter shall, for the purpose of retirement, be entitled to count as creditable  
7 service the person's service as a reserve police officer or call fire fighter as the retiring authority  
8 shall determine.

9           This section shall take effect: (i) in a city having a Plan E charter, when accepted by an  
10 affirmative vote of 2/3 of the city council and approved by the city manager; (ii) in the case of  
11 other cities, by a 2/3 vote of the city council and approved by the mayor; and (iii) in a town, or  
12 district by a majority vote at the annual town meeting or district meeting.

13           SECTION 2. Said chapter 32 is hereby further amended by striking out section 85H, as  
14 so appearing, and inserting in place thereof the following section:-

15           Section 85H. The selectmen of a town and the prudential committee of a fire or water  
16 district may retire from active service any call fire fighter or reserve, special or intermittent

17 police officer who becomes permanently disabled mentally or physically by injuries sustained  
18 through no fault of the person in the actual performance of duty as a fire fighter or police officer.  
19 A person so retired shall receive an annual pension equal to 2/3 of the annual rate of  
20 compensation payable to a regular or permanent member of the police or fire force, as the case  
21 may be, thereof for the first year of service therein and, if there are no permanent members of the  
22 police or fire force, an annual pension of \$3000. If a call fire fighter or a member of a volunteer  
23 fire company in a town or a fire or water district whose service as such has been approved by the  
24 board of selectmen of the town or the prudential committee of a fire or water district or reserve  
25 or special or intermittent police officer of a town or a reserve police officer or reserve or call fire  
26 fighter of a city is disabled because of injury or incapacity sustained in the performance of the  
27 person's duty through no fault of the person and is thereby unable to perform the usual duties of  
28 the person's regular occupation at the time the injury or incapacity was incurred, the person shall  
29 receive from the city or town for the period of the injury or incapacity the amount of  
30 compensation payable to a permanent member of the police or fire force thereof, as the case may  
31 be, for the first year of service therein or, if there are no regular or permanent members of the  
32 police or fire force thereof, at the rate of \$3000 per annum; provided, however, that no  
33 compensation shall be payable for any period after the police officer or fire fighter has been  
34 retired or pensioned in accordance with law or for any period after a physician designated by the  
35 board or officer authorized to appoint police officers or fire fighters in the city or town  
36 determines that the injury or incapacity no longer exists. All amounts payable under this section  
37 shall be paid at the same time and in the same manner as and for all purposes shall be considered  
38 to be the regular compensation of the police officer or fire fighter. No city, town or fire or water  
39 district shall pay compensation under this section if insurance providing coverage for the

40 compensation is in effect therefor under any general or special law, unless and until all rights  
41 under the insurance in favor of the city, town or fire or water district shall have been exercised,  
42 determined and satisfied.

43 SECTION 3. Chapter 41 of the General Laws is hereby amended by striking out section  
44 100G1/4, as so appearing, and inserting in place thereof the following section:-

45 Section 100G1/4. A city operating under a Plan D or Plan E charter, by the affirmative  
46 vote of a majority of its city council or any other city, by a majority vote of its city council with  
47 the approval of its mayor and a town or a fire or water district, by a majority vote at an annual or  
48 special town meeting or a fire or water district meeting, shall pay the reasonable expenses, not  
49 exceeding \$15,000, of the funeral and burial of: (i) a firefighter who, while in the performance of  
50 the firefighter's duty and as a result of an accident while responding to or returning from an  
51 alarm or fire or any emergency or as the result of an accident involving a fire department vehicle,  
52 which the firefighter is operating or in which the firefighter is riding or while at the scene of a  
53 fire or any emergency, is killed or sustains injuries which result in the firefighter's death; or (ii) a  
54 police officer who while in the performance of the police officer's duty and as the result of an  
55 assault on the police officer's person or a result of an accident while responding to an emergency  
56 while in the performance of the police officer's official duty or as result of an accident involving  
57 a police department vehicle which the police officer is operating or in which the police officer is  
58 riding, is killed or sustains injuries which result in the police officer's death. No payment shall  
59 be made under this section in the absence of adequate documentation that the expense has  
60 actually been incurred. This section shall become effective in a city, town or a fire or water  
61 district when accepted by the city, town or the fire or water district.

62 In those cities or towns which accept this section, section 100G shall not be applicable.

63 SECTION 4. Section 53A1/2 of chapter 44 of the General Laws, as so appearing, is  
64 hereby amended by inserting after the word “selectmen”, in line 2, the following words:- , or  
65 prudential committee.

66 SECTION 5. Said section 53A1/2 of said chapter 44, as so appearing, is hereby further  
67 amended by striking out, in line 4, the words “ or town” and inserting in place thereof the  
68 following words:- town or district.