HOUSE DOCKET, NO. FILED ON: 1/13/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Kathi-Anne Reinstein**

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*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.

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PETITION OF:

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| Name: | District/Address: |

The Commonwealth of Massachusetts

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**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:*

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

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

Where the injury causing the incapacity of an environmental police officer for which he is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section, was caused under circumstances creating a legal liability in some person to pay damages in respect thereof, either the person so injured or the office paying such compensation may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the office paying such compensation, unless the sum is greater than the compensation paid to the person so injured, in which event the excess shall be retained by or paid to the person so injured. For the purposes of this section, “excess” shall mean the amount by which the total sum received in payment for the injury, exclusive of interest and costs, exceeds the amount paid under this section as compensation to the person so injured. The party bringing the action shall be entitled to any costs recovered by him. Any interest received in such action shall be apportioned between the office and the person so injured in proportion to the amounts received by them respectively, inclusive of interest and costs. The expense of any attorney’s fees shall be divided between the office and the person so injured in proportion to the amounts received by them respectively.

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