

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Brian S. Dempsey**  
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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 workers' compensation.

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian S. Dempsey	3rd Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3460 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO WORKERS' COMPENSATION.

*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.

2    Section 73 of chapter 152 of the General Laws, as appearing in the 2004 Official Edition, is  
3    hereby amended by inserting in the first sentence, the following new sentence: Notwithstanding  
4    any general or special law to the contrary, any present and former Massachusetts bay  
5    transportation authority employee or retiree entitled to compensation under section thirty-one,  
6    thirty-four, thirty-four A, thirty-five, thirty-five A or thirty-six and who is also entitled to a  
7    pension by reason of the same injury shall elect whether he will receive such compensation or  
8    such pension, and shall not receive both, except in the manner and to the extent provided by  
9    section fourteen of chapter thirty-two; provided, further, that the requirement to make said  
10   election shall apply to all former Massachusetts bay transportation authority employees or  
11   retirees presently receiving or entitled to receive both benefits under section thirty-one, thirty-  
12   four, thirty-four A, thirty-five, thirty-five A or thirty-six and who are also receiving or entitled to  
13   a pension by reason of the same injury.

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