

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Brewer**

*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 death benefits to surviving spouses of firefighters and to other emergency personnel.

PETITION OF:

NAME:

Mr. Brewer

DISTRICT/ADDRESS:

Worcester, Hampden, Hampshire and Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02828 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 DEATH BENEFITS TO SURVIVING SPOUSES OF FIREFIGHTERS AND TO OTHER EMERGENCY PERSONNEL.

*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. Upon the death of any firefighter, any call, volunteer, auxiliary, intermittent, part-  
2 time or reserve firefighter, any emergency medical services provider, any call, volunteer,  
3 auxiliary, intermittent, part-time or reserve emergency medical services provider, any police  
4 officer, any auxiliary, intermittent, special, part-time or reserve police officer, who while in the  
5 performance of duties, and as a result of incident, accident or violence, is killed or sustains  
6 injuries which are the direct and proximate cause of death, the surviving spouse may participate  
7 in the group hospital, surgical, medical, dental and other health insurance for themselves and  
8 their dependents under age nineteen, or have attained age 22 if a full-time student, and such  
9 benefit shall continue for such children who are over age nineteen and physically or mentally  
10 incapacitated from earning, until the remarriage or death of said surviving spouse; provided that  
11 application for such insurance shall be filed with the appropriate public authority and a method  
12 for the payment of premiums shall be determined in accordance with its rules and regulations;  
13 and provided, further that said surviving spouse shall pay a premium at the same rate as retirees  
14 of the governmental unit from time to time as part of the total cost for such hospital, surgical,  
15 medical, dental and other health insurance. No payment shall be made under this section unless  
16 and until there is on file in the office of the city auditor, town accountant or officer having  
17 similar duties, a copy of the marriage certificate of the widow, a record of the birth of each  
18 dependent child under the age of nineteen, and medical certificate for each dependent child who  
19 is physically or mentally incapacitated from earnings. The city auditor, town accountant or  
20 officer having similar duties shall annually require, for the purpose of supporting continuance of  
21 payments authorized under this section, such further certificates as may be necessary to evidence  
22 that a widow has not remarried or a child over nineteen continues physically or mentally

23 incapacitated from earning. The words “full-time student” shall mean a child who is in full-time  
24 attendance in an accredited educational institution offering full-time courses of study equivalent  
25 to or higher than secondary school study. The words “accredited educational institution” shall  
26 mean any school, college or university that is licensed, approved or accredited, as the case may  
27 be, in the state in which it is located.

28 SECTION 2. This section shall take effect in a city, town or district upon its acceptance in the  
29 following manner: In a city having a Plan D or Plan E charter by majority vote of its city council;  
30 in any other city by vote of its city council, approved by the mayor; in a district by vote of the  
31 registered voters of the district at a district meeting; and in a town by a vote of the registered  
32 voters at a town meeting.