

HOUSE No. 1796

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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,
3 is hereby amended by inserting in the first sentence, the following new sentence:

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