

HOUSE No. 1834

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relating 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. Chapter 152 of the General Laws is hereby amended by inserting after
2 section 35F the following section:- Permanent and partial incapacity; compensation

3 While the incapacity for work resulting from the injury is both permanent and partial, the
4 insurer shall pay to the injured employee, following payment of compensation provided in
5 section thirty-five, a weekly compensation equal to two-thirds of the difference between his or
6 her average weekly wage before the injury and the weekly wage he or she is capable of earning
7 after the injury, but not more than seventy-five percent of what such employee would receive if
8 he or she were eligible for total incapacity benefits under section thirty-four. An insurer may
9 reduce the amount paid to an employee under this section to the amount at which the employee's
10 combined weekly earnings and benefits are equal to two times the average weekly wage in the
11 commonwealth at the time of such reduction.