

**HOUSE . . . . . No. 3654**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Denise Provost and Patricia D. Jehlen***

*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 adoption of the accompanying bill:

An Act directing the Somerville Retirement Board to retire Mario Oliveira, a police officer of the city of Somerville.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>9/4/2013</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>9/4/2013</i>

**HOUSE . . . . . No. 3654**

By Representative Provost of Somerville and Senator Jehlen, a joint petition (subject to Joint Rule 12) of Denise Provost and others (with the approval of the mayor and city council) that the city of Somerville be authorized to retire Mario Oliveira, a police officer of said city. Public Service.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act directing the Somerville Retirement Board to retire Mario Oliveira, a police officer of the city of Somerville.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Be it ordained by the Board of Aldermen of the City of Somerville that a petition be filed  
2 with the General Court to the end that legislation be adopted precisely as follows. The General  
3 Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves  
4 amendments to the bill before enactment by the General Court. The Mayor is hereby authorized  
5 to approve amendments which shall be within the scope of the general public objectives of this  
6 petition.

7 SECTION 1. Notwithstanding the provisions of any general or special law to the  
8 contrary, the Somerville Retirement Board is hereby authorized and directed to retire Mario  
9 Oliveira, a police officer of the City of Somerville, who, as a result of injuries sustained while in  
10 the performance of his duties on November 2, 2010, is totally and permanently incapacitated  
11 from performing the essential duties of a police officer.

12 The annual amount of pension payable to Mario Oliveira shall be fixed in an amount  
13 equal to the regular rate of compensation which would have been paid had he continued in  
14 service as a police officer of the city of Somerville at the grade held by him at the time of his  
15 retirement up until his death or reaching mandatory retirement age whichever comes first. The  
16 additional benefits granted herein shall be funded and administered by the Somerville Retirement  
17 Board, consistent with and subject to chapter 32 of the General Laws, except that sections 8 and  
18 91A of Chapter 32 of the General Laws shall not apply however all amounts paid hereunder shall  
19 be non-taxable.

20           Upon attaining the mandatory retirement age for a Somerville patrol officer, Mario  
21 Oliveira shall receive a pension pursuant to section 7 of chapter 32 of the General Laws, a yearly  
22 amount of pension equal to eighty (80) per cent of the annual rate of the compensation he was  
23 receiving on the day before he reaches the mandatory retirement age for a Somerville patrol  
24 officer.

25           SECTION 2. Mario Oliveira shall be entitled to receive indemnification for all hospital,  
26 medical and related expenses that have been or may be, incurred after the date of his retirement  
27 as a result of the injuries sustained by him while in the performance of his duties on November 2,  
28 2010, according to the provisions of section 100 and section 100B of chapter 41 of the General  
29 Laws.

30           SECTION 3. In addition to the benefits granted herein and upon retirement, Mario  
31 Oliveira shall receive a lump sum from the Somerville Retirement Board equal to his total  
32 accumulated retirement deductions.

33           SECTION 4. If Mario Oliveira is married at the time of retirement, then upon his death,  
34 should his wife Christine survive him, the Somerville Retirement Board shall pay to her an  
35 annuity in the amount of three-fourths of the amount of the pension which would have been  
36 otherwise payable to him until her death. The pension shall be subject to section 103 of chapter  
37 32 of the General Laws.

38           SECTION 5. In the event that both Mario Oliveira and his wife, Christine, die before  
39 their children reach the age of eighteen (18) or twenty-two (22), as provided herein, the  
40 payments that would otherwise be made to Christine shall be payable, in equal shares, to each  
41 child under the age of eighteen (18); provided, however, that payments shall continue to the age  
42 of twenty-two (22) for any child who is enrolled as a full-time student.

43           SECTION 6. This act shall be effective upon passage.