

# HOUSE . . . . . No. 4535

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*John J. Mahoney*

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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 adoption of the accompanying bill:

An Act relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>5/14/2018</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>5/15/2018</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>5/17/2018</i>

**HOUSE . . . . . No. 4535**

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By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 4535) of John J. Mahoney, Daniel M. Donahue and James J. O'Day (with the approval of the city council) relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester. Public Service. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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In the One Hundred and Ninetieth General Court  
(2017-2018)

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An Act relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester.

*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. Notwithstanding any general or special law to the contrary, and in order to  
2 promote the public good, the Worcester Retirement Board shall retire Brian Patrick Carroll, a  
3 firefighter of the city of Worcester, who as the result of serious emotional injuries sustained  
4 while in the performance of his duties on December 8, 2011 is totally and permanently  
5 incapacitated from further service as a firefighter. The annual amount of pension payable to  
6 Brian Patrick Carroll under this act shall be fixed in an amount equal to the regular rate of  
7 compensation which would have been paid had he continued in service as a firefighter in  
8 Worcester at the grade held by him at the time of his retirement. Such retirement shall become  
9 effective as of the date following the last day on which he is entitled to receive regular  
10 compensation.

11           Upon the retirement of Brian Patrick Carroll, the retirement board of Worcester shall  
12 forthwith pay to him all amounts standing to his credit in the annuity savings fund of the  
13 retirement system of said city.

14           SECTION 2. Section 100 of chapter 41 of the General Laws shall continue to apply to  
15 Brian Patrick Carroll relative to his indemnification by the city of Worcester for any hospital,  
16 medical and related expenses which may be incurred by him after the date of his retirement as a  
17 result of the incapacity.

18           SECTION 3. Sections 8 and 91A of chapter 32 of the General Laws shall not apply to  
19 Brian Patrick Carroll. All amounts paid pursuant to this act shall be non-taxable.

20           SECTION 4. Effective on the first day of the month after which Brian Patrick Carroll  
21 attains the maximum age for his group, the city of Worcester shall reduce the pension to an  
22 amount which is 80 per cent of the amount which he was receiving on the preceding day.

23           SECTION 5. Upon the death of Brian Patrick Carroll, the city of Worcester shall pay to  
24 his wife Kimberly an annual annuity equal to the sum of three-fourths of the amount of the  
25 pension payable to him immediately prior to the reduction described in section 4. In the event  
26 that both Brian Patrick Carroll and his wife, Kimberly, die, the payments provided for by this act  
27 shall be payable, in equal shares, to each child under the age of 18; provided, however, that  
28 payments shall continue for the benefit of a child 18 years or older who is physically or mentally  
29 incapacitated from work on a permanent basis, or for the benefit of a child under the age of 22  
30 who is a full time student.