

# SENATE . . . . . No. 3291

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court  
(2025-2026)

SENATE, October 29, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill providing injured on duty compensation to Chelmsford firefighter Nicholas Spinale (House, No. 5698); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3291.

For the committee,  
Michael J. Rodrigues

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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1           SECTION 1. (a) Notwithstanding any general or special law to the contrary, Nicholas  
2   Spinale, a firefighter in the town of Chelmsford, shall be eligible for leave from the town without  
3   loss of pay pursuant to section 111F of chapter 41 of the General Laws, retroactive to April 7,  
4   2026, for the period during which he is incapacitated from duty as a Chelmsford firefighter due  
5   to injuries sustained on April 7, 2026 while working for the department of fire services;  
6   provided, however, that no such leave shall be granted for any period after a physician  
7   designated by the commonwealth or the appointing authority for the town of Chelmsford  
8   determines that such incapacity no longer exists; provided further, that Nicholas Spinale shall not  
9   be required to waive the provisions of chapter 152 of the General Laws; and provided further,  
10   that the benefits granted in this section shall be reduced by the amount of workers' compensation  
11   received by Nicholas Spinale under said chapter 152.

12           (b) Nicholas Spinale shall be eligible for injury leave compensation pursuant to  
13   subsection (a) during the period of his incapacity until he is cleared to return to duty or until he  
14   reaches age 65 or otherwise retires, whichever occurs first. If such incapacity is deemed to be  
15   permanent, Nicholas Spinale shall be eligible to apply for accidental disability retirement  
16   pursuant to section 7 of chapter 32 of the General Laws. The commonwealth, the town of

Chelmsford or Nicholas Spinale may file the application for accidental disability retirement pursuant to this section.

(c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general or special law to the contrary, in the event Nicholas Spinale is pensioned or retires under accidental disability retirement, Nicholas Spinale may receive earnings from earned income equal to fifty per cent of the retirement allowance payable to him that year, without refund penalty.

SECTION 2. The commonwealth shall reimburse the town of Chelmsford for its payment, pursuant to section 1, of injury leave compensation under section 111F of chapter 41 of the General Laws and for all other costs, including Nicholas Spinale's medically necessary hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic or related expenses and medically necessary charges for chiropody or podiatry, incurred by the town of Chelmsford pursuant to this act, as the natural and proximate result of the injuries Nicholas Spinale sustained on April 7, 2026, while working for the department of fire services, retroactive to April 7, 2026.

SECTION 3. In the event the incapacity Nicholas Spinale suffered as a result of the injuries he sustained on April 7, 2026 is deemed to be permanent, the amount of pension payable to Nicholas Spinale shall be fixed annually at an amount equal to the rate of regular compensation which would have been payable to him had he continued in service as a firefighter at the grade held by him on the date of his disability and the annual amount of accidental disability retirement annuity he would receive under Option A of the retirement allowances as provided in section 12 of chapter 32 of the General Laws shall apply regardless of which retirement allowance option he chooses under said section 12. Said increased accidental

39 disability retirement allowance shall end on the date Nicholas Spinale turns 65, at which time his  
40 accidental disability retirement allowance shall revert to an amount equal to what he would be  
41 eligible to receive under section 7 of said chapter 32. All amounts paid under this act shall be  
42 nontaxable to the extent allowable pursuant to state and federal tax laws.

43         SECTION 4. If Nicholas Spinale retires as a result of permanent injuries incurred on  
44 April 7, 2026, is married at the time of his retirement and if the death of Nicholas Spinale occurs  
45 prior to the date he turns 65 and such spouse survives him, such surviving spouse shall continue  
46 to receive the increased accidental disability retirement until the date Nicholas Spinale would  
47 have turned 65, at which time such surviving spouse shall be eligible to receive the retirement  
48 allowance provided for a surviving spouse pursuant to chapter 32 of the General Laws.