

HOUSE No. 3654

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 passage of the accompanying:

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

PETITION OF:

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

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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.