

[eighty-five dollars per week] *sixty-six and two-thirds per centum of the average weekly wage of the State of Maryland as determined by the Department of Employment Security, as provided in Section 36(2) of this Article* and not less than a minimum of twenty-five dollars per week, unless the employee's established weekly wages are less than twenty-five dollars per week at the time of injury, in which event he shall receive compensation in an amount equal to his average weekly wages but not to exceed a total of \$45,000.00. Loss or loss of use of both hands, or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

(b) Whenever any person who has suffered the loss, or loss of use of a hand, arm, foot, leg or eye, shall enter into a contract of employment, it shall be permissible for the employee to waive in writing, either in the contract of employment, or by a separate written instrument, any right to compensation to which he would be entitled because of the preexisting permanent partial disability, in the event of subsequent accidental injury, and in such cases the employee so suffering an additional accidental injury, shall be entitled to the compensation for the disability resulting solely from such additional accidental injury. No such waiver shall be effective unless the preexisting permanent partial disability shall be plainly described therein, nor unless the same be executed by the employee with knowledge of its contents prior to the time of the accident upon which the claim is based.

In the absence of any waiver of preexisting permanent partial disability, the Commission in determining any case involving a subsequent accidental injury shall apportion and make award only for the permanent disability caused by the subsequent accidental injury.

(c) The compensation for the foregoing specific injury shall be paid in addition to, and consecutively with, the compensation hereinafter provided in subsection (2) of this section. If any employee dies from any cause or causes not compensable under this article, the right to any compensation payable under this subsection, unpaid at the date of his death, shall survive to his surviving dependents as the Commission may determine, if there be such surviving dependents, and if there be none such, then to his wife and children under twenty-one years of age if there was, at the time of his death, a legal obligation on the part of said employee to support his wife, and if there was no such obligation, then to his children under twenty-one, if any, alone.

SEC. 2. *And be it further enacted*, That this Act shall not apply to accidental injuries or occupational diseases occurring prior to July 1, 1971.

SEC. 3. *And be it further enacted*, That this Act shall take effect July 1, 1971.

Approved May 6, 1971.