

1939, ch. 465, sec. 32B.

35. Where an employee of an employer subject to this Article suffers from an occupational disease, as hereinbefore listed, and is thereby disabled from performing his work in the last occupation in which he was injuriously exposed to the hazards of such disease, or dies as a result of such disease, and the disease was due to the nature of an occupation or process described in Section 34 hereof, in which he was employed within the period previous to his disablement as limited in Sections 36 and 37 hereof, the employee, or, in case of his death, his dependents shall be entitled to compensation in the amount and payable in the manner provided elsewhere in this Article, as if such disablement or death were an injury by accident, except as otherwise provided in Sections 34 to 43 hereof; and the practice and procedure prescribed elsewhere in this Article shall apply to proceedings for compensation for such diseases, except as in said Sections 34 to 43, and Sections 66, 70 and 80, as hereby amended, otherwise provided.

No compensation shall be payable for an occupational disease if the employee, at the time of entering into the employment of the employer by whom the compensation would otherwise be payable, falsely represented himself in writing as not having previously been disabled, laid off, or compensated in damages or otherwise, because of such disease.

Where an occupational disease is aggravated by any other disease or infirmity, not itself compensable, or where disability or death from any other cause, not itself compensable, is aggravated, prolonged, accelerated or in anywise contributed to by an occupational disease, the percentage of such contribution to be determined by the Medical Board, as hereinafter created, the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments, as under the circumstances of the particular case may be for the best interest of the claimant or claimants.

1939, ch. 465, sec. 32C.

36. No compensation for death from an occupational disease shall be payable to any person whose relationship to the deceased, which, under the provisions of this Article would give right to compensation, arose subsequent to the beginning of the first compensable disability save only to after-born children of a marriage existing at the beginning of such disability.

Where compensation is payable for an occupational disease, the employer in whose employment the employee was last injuriously exposed to the hazards of such disease, and the insurance carrier, if any, on the risk when such employee was last so exposed under such employer, shall be liable therefor; the amount of the compensation shall be based upon the average wages of the employee when last so exposed under such employer; and the notice of injury and claim for compensation, as hereinafter required, shall be given and made to such employer; provided, however, that in case of silicosis or asbestosis the only employer or insurance carrier liable shall be the last employer in whose employment the employee was