

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1945.

Approved March 24, 1945.

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CHAPTER 335.

(House Bill 123)

AN ACT to repeal and re-enact, with amendments, Sub-section (4) of Section 48 of Article 101 of the Annotated Code of Maryland (1943 Supplement), title "Workmen's Compensation", sub-title "Claims and Compensation; Benefits", increasing payments to dependents under the Workmen's Compensation Law and dividing said sub-section into two sub-sections.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sub-section (4) of Section 48 of Article 101 of the Annotated Code of Maryland (1943 Supplement), title "Workmen's Compensation", sub-title "Claims and Compensation; Benefits", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

48. (4). (Temporary Partial Disability.) In case of temporary partial disability, except the particular cases mentioned in Sub-division Three of this section, an injured employee shall receive fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident, but not to exceed twenty dollars per week, during the continuance of such partial disability, but not in excess of three thousand five hundred dollars, except as otherwise provided in this Article.

Whenever it shall appear that any disability from which any employee is suffering following an accidental injury, is due in part to such injury, and in part to a pre-existing disease or infirmity, the Commission shall determine the proportion of such disability which is reasonably attributable to the injury and the proportion thereof which is reasonably attributable to the pre-existing disease or infirmity, and such employee shall be entitled to compensation for that proportion of his disability which is reasonably attributable solely to the accident and shall not be entitled to compensation for that proportion of his disability which is reasonably attributable to the pre-existing disease or infirmity.