

SECTION 2. AND BE IT FURTHER ENACTED, THAT IF ANY PROVISION OF THIS ACT OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT THE OTHER PROVISIONS OR ANY OTHER APPLICATION OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ACT ARE DECLARED TO BE SEVERABLE.

SECTION 3. AND BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT JUNE 1, 1963.

Approved May 6, 1963.

CHAPTER 809
(House Bill 381)

AN ACT to repeal and re-enact, with amendments, Sections 36(7) and 66 of Article 101 of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Workmen's Compensation," subtitles respectively "Claims and Compensation; Benefits," and "Miscellaneous," amending the workmen's compensation laws with respect to prior injuries and disabilities ~~in order to provide for apportionment of disability~~ where pre-existing injuries or diseases are present, abolishing the Second Injury Fund and establishing the Subsequent Injury Fund, making corrections therein, and relating generally to workmen's compensation in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 36(7) and 66 of Article 101 of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "Workmen's Compensation," subtitles respectively "Claims and Compensation; Benefits," and "Miscellaneous," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

36.

(7) Whenever it shall appear that any permanent disability from which an 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. This subsection shall not apply to temporary total and temporary partial disability. *This subsection shall not apply where the combined effects resulting from a previous impairment, as defined in Section 66(1), and a subsequent accidental injury result in a permanent disability exceeding fifty per centum (50%) of the body as a whole.*