

payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

(1) (a) In case of total disability, adjudged to be permanent sixty-six and two-thirds per centum of the average weekly wages shall be paid to the employee by the employer or insurer during the continuance of such total disability, not to exceed a maximum of one hundred per centum of the average weekly wage of the State of Maryland as determined by the Department of Economic and Employment Development, as provided in [§ 36(2) of this article] SUBSECTION (2) OF THIS SECTION 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; provided, however, that if the employee's total disability shall continue after a total of \$45,000.00 has been paid, then further weekly payments at the rate previously paid shall be paid to him during such disability. Compensation under this subsection shall be subject to an annual cost of living adjustment. The adjustment in compensation for the fiscal year in which compensation is payable shall be the initial annual rate of compensation multiplied by the percentage change in the Consumer Price Index, but the annual rate of change applied as an adjustment may not exceed five per centum. This adjustment shall be applied to the compensation, as adjusted, paid during the prior year. The rate of change in the Consumer Price Index shall be determined by the Department of Economic and Employment Development and reported to the Commission by June 30 each year for the preceding calendar year. By July 31 of each year, the Commission shall publish the amount of the cost of living adjustment which shall become effective January 1 of the following year. If an employee entitled to compensation under this subsection also receives federal social security disability insurance benefits, the adjusted annual compensation paid shall be reduced to the extent necessary to avoid a diminution of federal social security disability benefits. When federal social security disability insurance benefits law no longer imposes a diminution in the payment of the adjustment in compensation payable, payments shall be made to the full extent permitted in this subsection. As used in this subsection, "Consumer Price Index" means the lower of the average of the consumer price indices (all urban consumers, all item index) published by the United States Department of Labor for the Baltimore MSA and for the Washington, D.C. MSA or the U.S. city average consumer price index (all urban consumers, all item index).

(4) (a) In all claims for compensation for hernia, compensation may be allowed only upon definite proof to the satisfaction of the Commission.

First. That there was an accidental injury causing hernia, arising out of and in the course of the